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Letter dated 18 September 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 5 June 2002 (S/2002/629).

The Counter-Terrorism Committee has received the attached supplementary report from the Republic of Moldova submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I would be grateful if you could arrange for the present letter and its attachment to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

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Annex

Note verbale dated 5 September 2002 from the Permanent Mission of the Republic of Moldova to the United Nations addressed to the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

The Permanent Mission of the Republic of Moldova to the United Nations presents its compliments to the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism, and has the honour to transmit the additional information requested by the Committee in the context of resolution 1373 (2001) (see enclosure). The request was made following receipt of the report submitted by the Republic of Moldova.

Enclosure

Supplementary report of the Government of the Republic of Moldova to the Counter-Terrorism Committee of the Security Council in response to the letter of the Chairman of the Committee dated 28 May 2002

The Republic of Moldova is fully committed to combating terrorism in all its forms and to co-operate with the United Nations, its Member States and particularly with the Counter-Terrorism Committee established by the Security Council pursuant to Resolution 1373 (2001).

In December 2001 the Government of the Republic of Moldova submitted a report to the United Nations Security Council Counter-Terrorism Committee setting out steps Moldova had taken to implement, and in accordance with, United Nations Security Council Resolution 1373 (2001). On 28 May 2002 the Republic of Moldova was asked by the Counter-Terrorism Committee to provide further information on issues addressed in the report.

The following information is provided in response to the Counter-Terrorism Committee's request.

Sub-paragraph 1 (b)

- **Please provide a detailed outline of Law No. 539-XV of 21 December 2001 on combating terrorism. Please indicate in the outline an explanation of the interrelationship between that law and paragraph 63-1, and other relevant provisions, of the Criminal Law.**

The Law on combating terrorism represents itself judicial and organizational framework of the anti-terrorist activity in the Republic of Moldova, the way of co-ordination of the specialized anti-terrorist structures, of actions undertaken by central and local authorities, by public associations and organizations, by decision making persons and other persons, as well as it contains the rights, obligations and guaranties of persons in relation to the activity on combating terrorism.

The legal basis of the activity on combating terrorism includes the Constitution of the Republic of Moldova, European Convention on the suppression of terrorism, principles and norms of the International Law, international treaties to which Moldova is a party, the Law on combating terrorism and other normative acts which regulate relations in this sense.

The Law on combating terrorism operates with the following notions:

Terrorism - commitment of explosions, arsons or other actions which create danger for human lives or cause considerable material damage, or provoke other grave social consequences aimed to the violation of public security, intimidation of population or determination of the public authorities or some individuals to take some certain decisions, as well as threatening with the commitment of these actions with the same purposes.

Terrorist activity – actions which include:

- planning, preparation, attempt to commit and commitment of a terrorist act;
- instigation to a terrorist act, to use of violence against individuals and entities, to destruction of material objects with terrorist purposes;

- setting up of an illegal armed formation, a criminal community (organization), an organized team with a purpose of commitment of a terrorist act, as well as participation in such act;
- recruitment, equipping, training and use of terrorists;
- financing of a terrorist organization or a terrorist group, or providing them with other assistance.

International terrorist activity – terrorist actions committed:

- by a terrorist, a group of terrorists or a terrorist organization on the territory of 2 or more states, causing damages to the interests of these states;
- by citizens of one state against citizens of another state or on the territory of another state;
- in case when as terrorist, as well as his victim are citizens of the same state or of different states, but the crime was produced outside of the territory of these states.

Offences with a terrorist character:

- offence which is accompanied with an attempt of illegal aircraft capture;
- offence directed against the safety of civil aviation;
- a dangerous offence which constitutes an attempt on life, body integrity or freedom of internationally protected persons, including diplomatic agents;
- offence aimed to the taking of hostages, kidnapping or illegal sequestration of persons;
- offence committed with use of bombs, grenades, missiles, machine guns, by envelopes or parcels the use of which represents danger for persons;
- an attempt to commit one of the above mentioned offences, or complicity to them or to an attempt to commit them.

Terrorist – a person who is involved in a terrorist activity in any form.

Terrorist group – two or more persons associated to each other with a purpose to commit a terrorist activity.

Terrorist organization – an organization created with a purpose of commitment of terrorist activity or organization which admit resorting to terrorism in its activity. An organization is considered terrorist if at least on of its structural subdivisions commit terrorist activity.

Combating terrorism – activity on prevention, tracing out and stopping of terrorist activity and of attenuation of its consequences.

Anti-terrorist operation – special measures aimed to stop a terrorist act in order to ensure security of persons, neutralize terrorists and attenuate its consequences.

Zone of conduct of an anti-terrorist operation – some certain sectors of a locality, a vehicle, a building, a construction, or other premises and their neighborhood territory, on which perimeter an anti-terrorist operation is conducted.

Taking hostages – a forced holding by a terrorist or a group of terrorist of some persons with purpose to force individuals, entities or public authorities to fulfil their demands.

Combating terrorism in the Republic of Moldova is based on the following principles:

a) legality;
b) priority of the measures on preventing terrorism;
c) inevitability of punishment for commitment of a terrorist act;
d) combining of public and secret methods of combating terrorism;
e) use of a complex of judicial, political, social-economical and prophylactic measures;
f) priority of protection of the rights of persons who are in danger because of a terrorist act, minimizing of human losses;
g) minimal yielding in negotiations with terrorists;
h) unipersonal conduct of all forces and means involved in anti-terrorist operations;
i) minimum publicity on technical procedures, ways of conduct of anti-terrorist operations and its participants.

The Art. 63 of the Criminal Law stipulated that terrorism represents a criminal activity of some persons or some groups of persons which is aimed to modify in the Republic of Moldova, or in other states, political, economical and social structures legally constituted, by threatening with the use of violence or through resorting to it against population or some individuals, and which jeopardizes fundamental human rights, particularly, the right for life, right for physical integrity and for individual freedom.

This notion did not ensure a full penal responsibility in comparison with the Law on combating terrorism, therefore, in order to do away with these discrepancy, in the new Criminal Law the notion of terrorism was formulated in accordance with the Law on combating terrorism.

With a view to a more efficient application of the provisions of the Art. 63-1 of the Criminal Law, the Law on combating terrorism was completed, by the Law No. 1120-XV of June 13, 2002, with a new article, which follows:

"Art. 8-1. Suspension of financial operations on the indication of the authorities engaged in preliminary investigations

(1) Organizations which perform financial operations are obliged, on the indication of the authorities engaged in preliminary investigations, to freeze bank accounts, financial assets and other economical resources of persons involved in commitment or attempt of commitment of terrorist acts, or in favoring of such actions; of entities dependant from or directly managed by these persons; of individuals or entities which act on behalf or by indication of these persons, including means derived of generated from property owned or controlled directly or indirectly by the enumerated persons, as well as by their associates.
(2) Organizations which perform financial operations, executing the indication of the authorities engaged in preliminary investigations, are obliged to inform immediately the authorities about freezing of bank accounts, financial assets and other economical resources.
(3) Authorities engaged in preliminary investigations are obliged, within their mandate, to undertake urgent actions in view of the investigation of the traced case, with further informing of the organization which has performed the financial operation about the decision taken".

At the same time, in accordance with the Law's stipulations, two Government decisions were adopted: No. 778 of 14.06.2002 on approval of the Regulations-type of the Operational Group for conducting an anti-terrorist operation, and No. 873 of 08.07.2002 on approval of the Regulations on the modality of social rehabilitation of persons suffered from a terrorist attack.

Sub-paragraph 1 (c):

Please provide an outline of Law No. 633-XV on money laundering. Please include in the outline:

• an indication whether the obligation imposed on 'organizations which execute financial operations' to suspend, and report on, suspicious transactions extends beyond banks and other intermediaries in the conventional financial sector to other intermediaries, such as lawyers;

The Law No. 633-XV on preventing and combating money laundering was adopted on November 15, 2001, being then completed and modified by the Law No. 1150-XV of June 21, 2002. The necessity of its completing and modifying was urged after Moldova has ratified, on March 15, 2002, the European Convention of 1990 on money laundering, tracing out, sequestration and confiscation of incomes originated from criminal activity.

In accordance with stipulations of the Art. 3 of the Law, the notion "organizations which perform financial operations" includes:

a) banks, branches of foreign banks, other financial institutions and their branches;
b) stock exchanges, other exchanges, investment funds, insurance companies, fiduciary companies, commercial offices of dealers and brokers, other entities, organizations and institutions (hereinafter referred to as institutions) which perform operations of receiving, sending, alienation, transportation, exchange or storage of financial resources or values; institutions which legitimate or register property right; bodies which provide judicial, public notary, book-keeping and financial-banking assistance, as well as any other natural or corporate persons which conclude transactions except financial-banking system.

• an indication of what constitutes a suspicious financial operation; and

According to the stipulations of the Art. 5 of the Law, as suspicious financial operations are considered the following:

a) performing of one single operation with financial resources in cash or performing of more operations in cash in circumstances which emphasize the absence of relationship between these operations and economical activity of the client;
b) deposition on the account or money transfer by a natural or corporate person of an amount in cash when exists a reason to consider that, judging on the sphere of activity of the person and on other circumstances, the amount deposited or transferred is in disagreement with incomes and patrimonial situation of the person;
c) transfer and receipt of financial resources in cash by a natural or corporate person which usually performs deductions by checks or money orders;
d) possession by a client of a bank account with no tangents to his economical activity, to which are transferred money in amounts exceeding reporting limits;
e) transfer to the account of a client of financial resources, made in checks, from different natural or corporate persons with whom he has no contractual or production relations;
f) deposition on the account of financial resources declared as an income, which is not natural for the client;
g) buying or selling of personal values in circumstances which denote the suspicious character of the financial operation;
h) acquisition in cash of personal values by legal entities;
i) operations with money checks or other instruments emitted for a bearer;

j) operations in which one of the parties is a resident of an off-shore zone, or operations effected through accounts of off-shore banks;

k) operations performed through companies and/or banks from countries which does not have legal standards against money laundering or have but inadequate in this sense, or represent an increased risk because of the high level of criminality and corruption, as well as operations performed with residents of these countries;

l) request for a credit which is guaranteed by a document certifying the existence of deposits in foreign banks, in case when there are information about suspicious character of the deposits.

• an explanation of the applicability of the money-laundering law specifically to the funds and other financial assets or economic resources of persons having links with terrorist activities, especially in cases where the source of those funds, assets and resources is legitimate.

According to the Art. 4 of the Law, organizations which perform financial operations are obliged:

- to accumulate, to analyze and to register data about their clients based on the identity papers of persons and entities; to obtain information about the identity of persons on whom an account is opened or a transaction is effected, if there is any doubt that these clients are acting on personal behalf; to check the authorization of the person who intends to act on behalf of the beneficiary and to identify the person;
- in case of tracing out of some circumstances which denote suspicious character of the financial operation, which is being preparing, performing or already performed, to inform General Prosecutor's Office about it in 24 hours;
- on the written request from the General Prosecutor's Office to present information, documents, any other available materials referred to performing of limited or suspicious financial operations;
- to pay a special attention on clients and resident beneficiaries which receive funds from countries identified as ones which does not have legal standards against money laundering or have but inadequate in this sense, or represent an increased risk because of the high level of criminality and corruption. General Prosecutor's Office will accumulate and distribute respective information to organizations which perform financial operations.
- to register limited or suspicious financial operations through filling in a special form, designed by the General Prosecutor's Office, indicating all data on the operation in case.

In the same time, organizations which perform financial operations have to draft and implement programs on combating money laundering, which will include at least:

- elaboration of methods, procedures and measures of internal control, inclusively by assignment of high-ranking officials responsible to ensure the compliance of the policy and procedures of the organization which performs financial operations with the statute inquires and legal regulations on combating money laundering, and to respect the strict rules on "know your client", in order to promote ethic and professional standards in the financial sector and prevent the use of the organization, intentionally or not, by criminal elements;
- a continuos training program of personnel, strict selection of employees, in order to ensure their high professional level;
- resorting to an audit in order to exercise the control on the system.

The subject of the question could be also considered under the provisions of the Art. 8/1 of the Law on combating terrorism, quoted in the response to the question from Sub-paragraph 1(b) of the present Report.

Sub-paragraph 1 (d):

- **Please provide an outline of the provisions of the various laws mentioned in the report in relation to this sub-paragraph (other than those mentioned above) that relate specifically to the requirements of this sub-paragraph and an indication of their interrelationship with one another and with the laws mentioned above.**

The Law No. 618-XIII of 31.10.1995 on state security:

The ensurance of the state security:

The security of state is ensured through the establishment and application by the state of a system of measures of economic, politic, judicial, military, organizational and other nature, oriented to the disclosure, prevention and timely combating of the threats against the state security.

Threats against the state security:

(1) Threats against the state security include a whole range of actions, conditions and factors which presents danger for state, society and personality.
(2) An extremely danger for the state security represents: preparing and commitment of terrorist acts, of attempts on life, health and inviolability of supreme official persons of the republic, of state officials and public leaders from other states being present in the Republic of Moldova.

The Law No. 619-XIII of 31.10.1995 on state security bodies

State security bodies are the specialized structures of the executive power, which serve to ensure, within their competence, the state security of the Republic of Moldova.

According to the Art. 13 of the nominated law, the system of the state security bodies consists of the Information and Security Service of the Republic of Moldova, Protection and State Guard Service, Department of Border Control Troops, as well as of educational institutions and other non-military institutions and organizations of the state security bodies.

State security bodies has the following prerogatives:

- combating terrorism, organized crime, corruption, which undermine the state security, as well as disclosure, prevention and combating of other crimes, investigation of which is in the competence of the state security bodies;
- ensurance, in legal conditions, of the state protection of supreme official persons of the republic and of state officials and public leaders from other states being present in the Republic of Moldova.

The Law No. 45-XIII of 12.04.1994 on operative investigations activity

Operational measures on investigations are conducted strictly in accordance with the legislation in force. In view of performing their tasks, the bodies which execute operative investigations activity, directed by the rules of conspiracy, are in right:

a) to question citizens;
b) to collect information;
c) to conduct visual pursuit;

d) to pursue and to gather evidence using modern technical methods and means;
e) to collect materials (samples) for comparative inquest;
f) to perform control acquisitions and supplies of goods and products from free or limited circulation;
g) to inspect objects and acts;
h) to identify persons;
i) to inspect buildings, premises, plots of ground and vehicles;
j) to inspect postal parcels;
k) to inspect the correspondence of convicts;
l) to intercept telephone calls and other conversations;
m) to collect information from the communications channels;
n) to converse with a suspected person using a lie detector;
o) to operate marking with chemical or other special substances;
p) to infiltrate into criminal organizations officers under cover or persons who co-operate in confidential way with the bodies executing operative investigations activity;
q) to control the transfer of money and other material values extorted.

These three instruments complete the above-mentioned laws, establishing a solid legislative framework for combating terrorism.

- **What preventive controls and surveillance measures exist to ensure that funds and other economic resources collected for religious, charitable or cultural purposes are not diverted for other purposes, particularly for financing terrorism?**

As it was mentioned above, in the answers from Sub-paragraph 1 (c), all organizations which perform financial operations are obliged to report transactions that are suspected of being linked to terrorist acts. Under the existing rules to counter money-laundering, these organizations have a duty to inquire into and report suspicious transactions. This includes a duty to report funds received by charitable and similar associations where there is a suspicion that these funds might be forwarded for terrorist purposes.

- **Please indicate the measures and instruments available to regulate alternative remittance systems.**

According to the national legislation in force, the remittance system in Moldova is regulated and supervised by the National Bank of Moldova. Alternative remittance systems do not exist in the country.

Sub-paragraph 2 (a):

- **Please outline the measures, both legislative and practical, preventing entities and individuals from recruiting, collecting funds or soliciting other forms of support for terrorist activities to be carried out inside or outside the Republic of Moldova, including, in particular:**
  - **the carrying out, within or from the Republic of Moldova, of recruiting, collecting of funds and soliciting of other forms of support from other countries; and**
  - **deceptive activities such as recruitment based on a representation to the recruit that the purpose of the recruitment is one (e.g. teaching) different from the true purpose and collection of funds through front organizations.**

Moldovan penal provisions, which attach criminal liability to acts committed to facilitate terrorist acts, directly prohibit recruitment to terrorist groups. According to the Art. 2 of the Law on combating terrorism, which was quoted in the answers from Sub-paragraph 1 (b), as one of a terrorist activity is also "recruitment, equipping, training and use of terrorists".

Art. 63-1 of the Penal Code "Financing or material support of terrorist acts" attaches criminal liability to any person who collect funds or other means to be used for commitment of terrorist acts. The penalty under this article is imprisonment for a term from 10 to 25 years with confiscation of the means designated or used for the commitment of the offence.

- **By what means is the Republic of Moldova able to control the establishment, and operation, within the portions of its territory under control from the capital, of paramilitary groups that have the potential to engage in terrorist activities?**

In the Republic of Moldova there are 4 paramilitary units, created within the Ministry of Transports and Telecommunications and the Ministry of Energetics, and 145 private companies offering security, guard and private detectives services. Their activity is controlled by the Ministry of Interior, in accordance with the stipulations of the Law on arms No. 110-XIII of 18.05.1994 (completed and modified by the Law No. 563-XV of 19.10.2001), and of the Law No. 451-XV of 30.07.2001 on the licensing of some kinds of activities.

- **What measures does the Republic of Moldova have in place to prevent terrorists obtaining weapons, in particular small arms or light weapons, within the portions of its territory under control from the capital? Please outline the Moldavian legislation concerning the acquisition and possession, and import and export, of weapons.**

The basis of the state control on manufacture, trade, acquisition, possession, application, import and export of weapons and munitions is established by the Law on arms No. 110-XIII of 18.05.1994 (completed and modified by the Law No. 563-XV of 19.10.2001). At the same time, the Republic of Moldova is a party to the International Convention on prohibition or limitation of use of certain classic weapons which could be considered as producing excessive traumatic effects or hurting without discrimination (Geneva, 10.10.1980), and to all 4 protocols to the Convention, as well as to the European Convention on the control on the acquisition and possession of firearms by private persons (Strasbourg, 06.11.1978).

Thus, the Law requires a license for all trade in weapons and munitions, acquiring or possessing a firearm in Moldova requires a permit from the police. Permits are issued after a thorough police checks. Private persons could possess only the following weapons: a) for self-defense; b) for hunting; c) for decoration and for collection (panoply); d) revolvers and pistols.

All military arms are registered in the State Cadastral Survey of Arms, all privately owned arms are registered in the State Register of Arms. The owners of firearms are required to keep their weapons under lock and key. If a weapon is lost or falls into wrong hands, this must be reported to the police. The police may also verify that weapons are being kept under secure conditions in private homes.

<u>Sub-paragraph 2 (b):</u>

- **Does the Republic of Moldova have a body specialized in counter-terrorism, or is that the responsibility of a number of departments or agencies? In the latter case, how is co-ordination between the various entities effected?**

<u>National authorities which are enabled to conduct activity on combating terrorism are the following:</u>

(1) **Government** is the main authority responsible for the organization of activity on combating terrorism and for ensuring of this with forces, means and necessary resources. Coordination of activities of all entities involved in combating terrorism is effected by the Supreme Security Council of the Republic of Moldova.

(2) Local public authorities participate in combating terrorism within their mandates established by the legislation and other normative acts.

(3) Authorities which are directly involved in activity on combating terrorism, are the following:

a) General Prosecutor's Office
b) Information and Security Service
c) Ministry of Interior
d) Ministry of Defence
e) Department of Border Troops
f) Department of Exceptional Situations
g) Protection and State Guard Service
h) Department of Customs
i) Department of Information Technologies.

(4) It is provided that within the Information and Security Service, Ministry of Interior, Protection and State Guard Service and the Department of Penitentiary Institutions of the Ministry of Justice specialized structures on combating terrorism will be created soon.

(5) In the activity of prevention, tracing out and stopping of terrorist activities could participate, within their mandates, other bodies of public administrations, in the way established by the Government.

- **Does each agency define its strategy independently, or does it carry out measures that have been established at a higher level? Who determines that policy and, if applicable, the distribution of tasks among agencies?**

National authorities which conduct activity on combating terrorism have the following mandates:

(1) **General Prosecutor's Office** conducts its activity on combating terrorism through directing and executing of the criminal inquest, and through the supervision of observance of the legislation within the criminal inquest.

(2) **Information and Security Service** and its territorial branches combat terrorism through the actions of prevention, tracing out and stopping of offences with terrorist character, including those with political purposes, as well as of international terrorist activity. According to the legislation on criminal procedure, the Service conducts criminal inquest and preliminary investigation in criminal cases with the signs of terrorism, contributes to the ensurance of security of the institutions of the Republic of Moldova located on the territory of other states, of moldovan citizens employed in these institutions and members of their families, collect information on the international terrorist organizations.

(3) **Ministry of Internal Affairs** combats terrorism through prevention, tracing out and stopping of offences with terrorist character which have in view material purposes.

(4) **Ministry of Defense** ensures protection of arms, munitions, explosive substances, military objects and air space of the country during the conducting of the anti-terrorist operations.

(5) **Department of Border Troops** and its territorial subdivisions combat terrorism through the stopping of terrorists attempts to cross the state border of the Republic of Moldova.

(6) **Department of Exceptional Situations** executes actions of civil protection, organizes rescue operations and other urgent measures on liquidation of terrorist acts consequences.

(7) **Protection and State Guard Service** ensure the security of persons and object under its protection, collect, analyze and use data on the terrorist activity in order to prevent, trace out and stop terrorists attempts. The Service co-operates and co-ordinates its actions with all authorities which conduct activity on combating terrorism, including similar services from other states.

(8) **Department of Customs** combats terrorism through the actions of prevention, tracing out and stopping of attempts of crossing through the state border of the Republic of Moldova of arms, explosive, toxic and radioactive substances and other objects which could be used for commitment of offences with terrorist character.

(9) **Department of Informational Technologies** ensure informational assistance to the authorities which conduct activity on combating terrorism, providing them with informational resources, specialized technical assistance, necessary for creation of data bases and informational networks.

Main tasks of the authorities which conduct activity on combating terrorism:

Central and local public authorities quoted above in art. 5, participate, in an established way, in combating terrorism through:

a) drafting and implementation of special, organizational, educational and preventive measures in order to prevent, trace out and suppress terrorist activity;
b) creation of department systems of counteracting of offences with terrorist character and maintaining of the state of preparedness of these systems;
c) making available of information, material, technical and financial means, vehicles and telecommunications, medical equipment and medicaments;
d) executing of other tasks, depending on the activity on combating terrorism requirements.

Sub-paragraph 2 (c):

- **Please provide a list of the bilateral and multilateral treaties on mutual assistance in criminal matters and on extradition (apart from the European Convention on Extradition) to which the Republic of Moldova is party.**

The judicial framework which entered in force in the Republic of Moldova, which contains provisions on judicial assistance in criminal matters, is the following:

- CIS Convention on judicial assistance and legal relations in civil, family and criminal trials;
- Bilateral treaties on judicial assistance in civil and criminal matters concluded between Moldova and, respectively, Ukraine, Romania, Russian Federation, Republic of Lithuania, Republic of Latvia and Republic of Turkey.

These international instruments contain a particular chapter which settle providing of judicial assistance in criminal matters, which (with exception of the Treaty with Republic of Turkey) include special provisions on extradition.

The Republic of Moldova is also a party to European Convention on judicial assistance in criminal matters (Strasbourg, 1959) and to its First Protocol.

- **Please provide a detailed outline of the provisions of the Criminal Law, which provide for trial before the courts of the Republic of Moldova of foreign citizens and stateless persons who cannot be extradited.**

According to the art. 21-28 of the Law on judicial status of foreign citizens and stateless persons in the Republic of Moldova, and to the Art. 17 of the Code on Criminal Proceedings "Enforcement of the Law on criminal procedure towards foreign citizens and stateless persons on the territory of the Republic of Moldova", in cases when foreign citizens and stateless persons cannot be expelled or extradited they are brought to justice on the territory of the Republic of Moldova in concordance with the criminal legislation of the Republic of Moldova. Exception could constitute cases when a person has a diplomatic immunity.

Sub-paragraph 2 (f):

- **What is the legal timeframe within which a request for judicial assistance in criminal investigations or criminal proceedings (especially those relating to the financing or other support of terrorist acts) is required to be met and how long, on average, does it actually take in practice to implement such a request in the Republic of Moldova?**

According to the Art. 103 of the Code on Criminal Proceedings of the Republic of Moldova, in cases when a preliminary investigation is mandatory, criminal investigation should be closed in ten days after the date of the trial has started.

In cases when a preliminary investigation is not mandatory, criminal investigation should be closed in a month after the beginning of the trial. This timeframe could be prolonged by the persecutor who supervises the proceedings, but with no more than a month.

In the same time, the internal normative framework of the Republic of Moldova on providing of judicial assistance is too reduced and does not establish precise terms which are required to be met in view of fulfilling of a request for judicial assistance in criminal investigations or criminal proceedings.

Sub-paragraph 2 (g):

- **What measures have been taken to prevent the counterfeiting, forgery or fraudulent use of identity papers and travel documents (as distinct from the punishment of persons who engage in such activities)?**

The national Identity Card of the citizen of the Republic of Moldova and the Travel passport were brought to the standards and requirements specified in the international normative acts: DOC 9303 and ISO 1831-1980/E.

Blank materials for printing and issuing of identity papers are kept in secure conditions, which exclude unauthorized access.

For the protection of these documents there are some following elements provided: special paper; microtext; holograms; magnetic stamp; bicolor stamp printed on every page trough the "iris offset" method; numeration of pages; special thread visible in ultraviolet rays; printing of the photo of the owner; stamp and signature of the person responsible for issuance; machine readable zone.

In order to detect cases of counterfeiting of identity papers, the Department of Informational Technologies has install the on-line regime of reporting and checking of documents for law enforcement bodies (Ministry of Interior, police, Prosecutor's Office).

The Government of the Republic of Moldova has adopted recently the "Concept of the authorized informational system of evidence and control of persons, vehicles and cargo, passing through the state and/or customs border "Frontiera", which was drafted by the Department of Informational Technologies.

With regards to the service and diplomatic passports, as well as to the travel titles, General Consular Department of the Ministry of Foreign Affairs is in charge with their issuance. It has undertake some additional measures in order to prevent the counterfeiting, forgery or fraudulent use of the above mentioned papers. For example, it sent to all diplomatic missions accredited in the Republic of Moldova the specimens of nominated passports and graphic description of the elements of their protection.

Also, it sent to the relevant national bodies lists of Moldovan citizens who lost the right to hold a diplomatic or service passports, in order to stop their fraudulent use by unauthorized persons.

At present, the Department of Consular Affairs is considering the possibility of improvement and increase of the number of protection elements for the travel titles.

Sub-paragraph 3 (d):

- **The CTC would welcome a report, in relation to the relevant international conventions and protocols relating to terrorism, on the progress made by the Republic of Moldova in:**
  - **becoming a party to the instruments to which it is not yet a party; and**
  - **enacting legislation, and making other necessary arrangements, implement the instruments to which it has become a party.**

In relation to the relevant international convention and protocols relating to terrorism, the Republic of Moldova has fulfilled all internal procedures necessary for entering in force of the conventions, mentioned in sub-paragraphs 3 (a) – 3 (c) of the initial National Report, with the exception of the International Convention for the suppression of the financing of terrorism. Thus, Moldova is a party to the nominated conventions.

In relation to the International Convention for the suppression of the financing of terrorism, as well as to the International Convention for the suppression of terrorist bombings and to the International Convention against the taking of hostages, all materials necessary for their ratification are in the stage of examination by the Parliament. It is expected that in the near future these documents will be ratified.

The European Convention on the legal validity of the judicial decisions on criminal cases and the European Convention on the conveyance of the legal procedure on criminal cases were already signed by the Republic of Moldova, national procedure on their entering in force being initiated.

Agreement on the co-operation of the CIS member states in combating illegal migration was ratified and entered in force for the Republic of Moldova.

- **In view of the requirement of this sub-paragraph for all member states to become party as soon as possible to all of the relevant international conventions and protocols relating to terrorism and the relevance even to landlocked countries of the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (by reason, inter alia, of the mobility of citizens and questions affecting extradition), please inform the CTC of the intentions of the Republic of Moldova in relation to those instruments.**

In present, national relevant bodies are considering the opportunity of ratification of the European Convention on the compensation of the victims of violent crimes, the Convention for the suppression of unlawful acts against the safety of maritime navigation and the Protocol for the suppression of unlawful acts against the safety of fixed platforms located on the continental shelf.

Sub-paragraph 3 (e):

- **Have the offences set forth in the relevant international conventions and protocols been included as extraditable offences in the bilateral treaties to which the Republic of Moldova is party?**

The content of this question is formulated ambiguously, because the European Convention on the extradition determines offences for the commitment of which the extradition could be refused (political, military and fiscal offences, with relevant specifications). In this sense, a possibility of refuse on extradition for the commitment of political and military offences is provided in bilateral treaties concluded with Romania and Ukraine.

The general rule for the determination of actions, which could be recognized as extraditable, is stipulated in p. 1 of the Art. 2 of the European Convention on the extradition, namely an offence punished with a penalty of at least of one year detention or more severe penalty. This rule was included in all bilateral treaties mentioned (with the exception of the Treaty with the Republic of Turkey, which does not provide the procedure on extradition), with a specification that in cases when an extradition is requested in order to execute a penalty, it could take place only in cases when a penalty passed is of more than 6 month.

In the same time, p. 3 of the Art. 2 of the European Convention on extradition stipulates that any contractual party the legislation of which does not authorizes extradition for some certain offences mentioned in the p. 1 of the above Article could exclude these offences from the area of application of the Convention. However, the Republic of Moldova did not formulate any notification in this sense in its instrument of ratification.

Sub-paragraph 3 (g):

- **Is it possible under the law of the Republic of Moldova for requests for the extradition of alleged terrorists to be refused on political grounds?**

The Art. 18/5 of the Code on Criminal Proceedings stipulates cases in which an extradition of a person by the Republic of Moldova is not admitted, namely:

- the person who is a citizen of the Republic of Moldova and between the Republic of Moldova and the country which request extradition no treaty on judicial assistance is concluded;
- the offence was committed on the territory of the Republic of Moldova;
- the person, which extradition is requested, was already sentenced for the offence the extradition is requested for, or for the same accusation the criminal trial was stopped;
- the person, which extradition is requested, cannot be brought to justice under the law of the Republic of Moldova, because of the expiration of the terms of limitation, or from other reasons;
- the offence the extradition is requested for is not incriminated by the Criminal Law of the Republic of Moldova.

The Par. 2 of the Art. 18/5 of the Code on Criminal Proceedings stipulates that foreign citizens and stateless persons could be extradite only under a convention or in conditions of reciprocity on the ground of court decision, which is also conditioned in the Art. 17, Par. 4 of Moldovan Constitution.

Thus, the possibility of refuse on extradition of alleged terrorists on political grounds is not provided under the law of the Republic of Moldova.

Paragraph 4:

- **Has the Republic of Moldova addressed any of the concerns expressed in paragraph 4 of the Resolution?**

Moldova shares the concern expressed in the resolution 1373 (2001) relating to the close connection between international terrorism and transnational organized crime, illicit drugs, money-laundering, illegal arms-trafficking, and illegal movement of nuclear, chemical, biological and other potentially deadly materials. Coherent systems of international obligations, domestic legislation, together with regulations providing for practical measures in this field will ensure effective prevention and suppression of terrorist acts.

According to the Law on combating terrorism, international cooperation in the domain of combating terrorism is based in Moldova on the following principles:

(1) The Republic of Moldova cooperates, in conformity with the international agreements it is a party to, in the domain of combating terrorism with the law enforcement bodies and special services of other states, as well as with the international organizations which activates in this domain.
(2) In order to ensure security of persons, society and state, the Republic of Moldova pursues on its territory persons involved in terrorist activities, inclusively in cases when terrorist acts were planned or committed outside of it territory, but they caused damages to the country, as well as in other cases stipulated in international agreements to which the Republic of Moldova is a party.

Thus, the coordination of efforts against international terrorism on national, sub-regional, regional and international levels, is matter of concern for Moldova. In this sense, Moldova signed the following relevant agreements on regional and sub-regional levels:

1) The Agreement on Co-operation among the Governments of the GUUAM Participating States in the field of Combat against Terrorism, Organized Crime and other Dangerous Types of Crimes (Yalta, 20.07.2002);
2) Treaty on Co-operation among States Members of the Commonwealth of Independent States in combating criminality (Moscow, 25 November 1998);
3) Treaty on Co-operation among States Members of the Commonwealth of Independent States in combating terrorism (Minsk, 4 June 1999);
4) Decision on the Financing of the Activities of the Anti-Terror Center of the CIS member states (Minsk, 30 November 2000);
5) Decision on the Anti-Terror Center of the CIS member states (Minsk, 1 December 2000);
6) Chart on the Organization and Functioning of the Regional SECI (South-East Cooperation Initiative) Center for combating transborder crime (Bucharest, 26 May 1999);
7) Treaty on Co-operation among governments of the BSEC (Black Sea Economic Co-operation) member-states in combating crime, particularly in its organized forms (Kerkyra, Turkey, 2 October 1998).

At the same time, the Republic of Moldova is also a party to the following international instruments, relevant to the subjects mentioned in the Paragraph 4 of the resolution 1373 (2001):

1) UN Convention against Transnational Organized Crime (Palermo, 15 December 2000);
2) European Convention on money-laundering, tracing out, sequestration and confiscation of incomes originated from criminal activity (Strasbourg, 8 November 1990);
3) International Convention against illicit trafficking of drugs and psychotropic substances (20.12.1988);

4) International Convention on prohibition of development, manufacture, stock and use of chemical weapons and its destroying (Paris, 13 January 1993);
5) International Convention on the prohibition or limitation of use of certain classic weapons which could be considered as producing excessive traumatic effects or hurting without discrimination (Geneva, 10.10.1980);
6) European Convention on the control on the acquisition and possession of firearms by private persons (Strasbourg, 06.11.1978).
7) Treaty on nuclear weapons non-proliferation (01.07.1968).

Other matters:

- **Could the Republic of Moldova please provide an organizational chart of its administrative machinery, such as police, immigration control, customs, taxation and financial supervision authorities, established to give practical effect to the laws, regulations and other documents that are seen as contributing to compliance with the Resolution.**

The institutional framework, as well as the mechanism of coordination and implementation of anti-terrorist activities and actions is outlined in the answers to the questions from Sub-paragraph 2 (b).

Assistance

In view of the harmonization of Moldovan national legislation to the international standards in the field of combating terrorism, the Government of the Republic of Moldova would like to request from the Counter-Terrorism Committee of the UN Security Council assistance in form of the expertise of domestic legislation in the field. This would offer an opportunity to compare Moldovan normative acts with those existent in the developed countries, as well as would permit, where necessary, to modify and complete national laws and rules with new stipulations, which would facilitate more efficient implementation of the relevant resolutions of the UN Security Council.

At the same time, national ministries and departments involved in the field of combating terrorism had consulted the Directory of Assistance, placed recently on the Web-page of the CTC Committee and expressed their interest towards the following programs:

1. The National Bank of the Republic of Moldova request consideration of the opportunity for participating of one or two officers in each of the following programs of assistance, placed in the chart "Financial Law and Practice":

- "Investigating Financial Underpinning of Terrorism – Senior Seminar", organized by the U.S. Department of State's Bureau of Diplomatic Security;
- "Money Laundering and financial investigative techniques", organized by the Internal Revenue Service (USA Treasury)
- "Transnational Money Laundering", organized by the Office of Overseas Prosecutorial Development Assistance and Training (USA Department of Justice);
- Money Laundering Seminar, organized by the USA Customs Service (USA Treasury)

2. The General Prosecutor's Office has expressed its interest towards the following programs of assistance:

- Co-operation with the Section of financial information TRACFIN (France) in the field of collecting information and money laundering techniques;

- Co-operation with the U.S. State Department in the field of combating of transnational money laundering;
- Including of Moldova in the European Commission Program on combating money laundering;
- Co-operation with the Ministry of Justice of France in the fields of drafting counter-terrorism legislation and extradition law and practice;
- Co-operation with the U.S. Department of Justice and the U.S. State Department in the field of transnational judicial assistance.

3. The Information and Security Service has expressed its interest in any programs and courses which could be provided under the following sections of the Directory:

- Drafting of counter-terrorism legislation
- Immigration Law and practice
- Illegal arms trafficking.

United Nations S/2002/1045

Security Council

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Letter dated 18 September 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 10 April 2002 (S/2002/409).

The Counter-Terrorism Committee has received the attached supplementary report from Myanmar submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

02-60133 (E) 091002

Annex

Letter dated 5 September 2002 from the Permanent Representative of Myanmar to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

I have the honour to transmit herewith a supplementary report requested by the Counter-Terrorism Committee in your letter of 1 April 2002, pursuant to paragraph 6 of Security Council resolution 1373 (2001) of 28 September 2001 (see enclosure).

(*Signed*) Kyaw Tint **Swe**
Ambassador
Permanent Representative

Enclosure

Supplementary report of the Union of Myanmar to the Counter-Terrorism Committee, pursuant to paragraph 6 of resolution 1373 (2001) of 28 September 2001

Response and clarification with reference to the letter of the Chairman of the Counter-Terrorism Committee dated 1 April 2002*

Sub-paragraphs 1 (a) and (b)

1. There are two laws in Myanmar, which contain explicit provisions for preventing, suppressing and criminalizing the financing of terrorist acts; namely- Control of Money Laundering Law of 2002 and the Law for Taking Action Against Owning and Marketing of Properties Obtained by Unlawful Means, 1986. These two laws are supplemented by the regulations and directives issued by the Central Bank of Myanmar. The Control of Money Laundering Law enacted on 17 June 2002 stipulated that it shall apply to the offences of illegally converting, transferring, concealing, obliterating or disguising of money and property obtained from the commission of any of the offences including offences committed by acts of terrorism. **(Annex A)**. The Law for Taking Action Against Owning and Marketing of Properties Obtained by Unlawful Means, 1986 was promulgated as follows:-

Section 3: In order to investigate on ownership and marketing of properties obtained by unlawful means -

(a) the Council of Ministers may form the necessary body;

(b) only the body that has been assigned duty or formed by the Council of Ministers has the right to carry out the investigation.

Section 4: Only when the Body receives the order of the Council of Ministers, it shall commence investigation on ownership and marketing of properties obtained by unlawful means.

Section 5: In conducting investigation, the Body -

(a) may call for necessary evidence from the person concerned and examine;

(b) may examine the necessary witnesses;

(c) on finding that the person under investigation had acquired any property with his own money in the name of any other person may also examine the person whose name was used in respect of the said property;

* The annexes are on file with the Secretariat and are available for consultation.

(d) has the right to enter, examine and search the building or premises permitted to be investigated. With respect to the properties that are found, it has the right to carry out in accordance with the procedures.

Section 6: The Council of Ministers may, on receiving the findings of the Body and if it considers that further investigation is required, direct investigation to be conducted by the original investigation body or newly-formed body.

Section 7: The Council of Ministers shall -

(a) on finding that the person who is under investigation had acquired the property with money obtained by lawful means, close the investigation;

(b) on finding that the person who is under investigation had acquired the property under his own name or by using the name of another person with money obtained by unlawful means pass an order to confiscate the said property;

(c) on finding that the person who is under investigation had acquired the property, part of the value of which with money which was obtained by unlawful means and the remaining value with money obtained by lawful means, carry out in accordance with the procedures regarding the said property.

Section 8: The Council of Ministers shall -

(a) on finding that, any property which is under investigation by the Body, was sold or transferred in any manner, during the investigation period, pass an order to confiscate the said property;

(b) on finding that the person who is under investigation destroyed or acted with intention to cause destruction of any property which is entrusted to him in accordance with the procedures, pass an order to confiscate the said property;

(c) if destruction is caused to any property which is entrusted under sub-section (b), pass an order to cause payment to be made by the person who is under investigation, after determining the value of the property so destroyed.

Section 9: The Council of Ministers shall, on finding that any property which is being investigated has been acquired with money obtained lawfully, and if the property is temporarily seized in accordance with the procedures, pass an order to return the said property to the person who is under investigation.

Section 10: The Council of Ministers shall, before passing an order, give the right of defence to the person who is under investigation.

2. The Central Bank of Myanmar has scrutinized whether any bank accounts of economic resources related to terrorist organizations have been opened at the State-owned banks or private banks in the Union of Myanmar. It was found that no such accounts have been opened.

3. Directive No. 2/2002 dated 7 March 2002 was also issued by the Central Bank of Myanmar notifying the State-owned banks, private banks and their branches to freeze the funds and financial assets related to terrorists / terrorist organizations. The banks are to notify the Central Bank of Myanmar immediately, if there are economic resources related to terrorist groups and individuals at the State-owned banks and private banks, without permitting withdrawal thereof and to carry out with constant care so that accounts may not be opened and deposits and transactions may not be made. **Annex (B)**

Sub-paragraph 1 (c)

4. Persons who commit terrorist acts as described in sub-paragraph 1 (c) are taken action under the above-mentioned law for Taking Action Against Owning and Marketing of Properties Obtained by Unlawful Means. Investigation and seizure may be made for prevention of financial assistance to any terrorist acts or for undisclosed money or proceeds of crime of individuals and organizations. In addition to the above-mentioned law and directive, the Control of Money Laundering Law was promulgated on 17 June 2002 to take action against such persons described in sub-paragraph 1 (c).

Sub-paragraph 1 (d)

5. In Myanmar, under section 7 and 8 of the law for Taking Action Against Owning and Marketing of Properties Obtained by Unlawful Means, 1986 an order can be passed to seize the said property. Additionally, action can be taken under Directive No. 2/2002 dated 7 March 2002, to freeze the accounts without allowing withdrawal thereof.

Sub-paragraph 2 (a)

6. In Myanmar, which has suffered terrorism for decades, effective measures against terrorists are taken under two laws. The first of these, the Unlawful Associations Act of 1908 was promulgated to take action against the members of terrorist organizations and its supporters. **Annex (C)**

7. For effective prevention and suppression of terrorism, action can also be taken under section 5 of the Emergency Provisions Act of 1950 if anything is done intentionally to affect the security of the Union and

restoration of Law and order. The Emergency Provisions Acts **(Annex (D))** prescribes the following punishments in Section 6 and 6.A.:-

Section 6: Whoever does any act with the intention of deteriorating or obstructing or destroying the capabilities and power-

(a) of the building or vehicle or machinery or equipment or other property used or intended to be used for Government purpose;

(b) of the road, bridge, drainage-crossing, embankment, port or dockyard;

(c) of the building or other object or sanitary installation or mine or factory used in respect of the manufacture, distribution or supply of essential goods;

(d) of the prohibited place or the protected place;

(e) of the water-supply work, pipe connections or machine or apparatus or other things related to water-supply

shall be punished with imprisonment for a term which may extend to 7 years, or with fine, or with both.

6.A (1) Whoever with the intention of causing extreme suffering to the public or loss of lives or of endangering the lives or security of the public, or knowing that extreme suffering will befall the public or lives will be lost or that the lives or security of the public will be endangered, destroys or causes to destroy-

(a) public train, motor vehicle, vessel, aircraft or other vehicle;

(b) public road, railway-line, railway-bridge or other bridge;

(c) public reservoir, water-supply work and pipe connected thereto;

(d) public dam;

shall be punished with death.

(2) Whoever with the intention of causing extreme suffering to the public or loss of lives or of endangering the lives or security of the public, or knowing that extreme suffering will befall the public or lives will be lost or that the lives or security of the public will be endangered, uses a mine or dynamite in any manner to destroy any object mentioned in sub-section (1) shall be punished with death.

(3) Notwithstanding anything contained in sub-section (1) and (2), any person who commits any offence mentioned in sub-section (1) or (2) under coercion and intimidation shall be punished with imprisonment of any type for a term which may extend to 7 years.

Sub-paragraph 2 (b)

8. For the prevention and opposing of terrorist acts including investigation and exposing of potential terrorist acts, there is cooperation among the Armed Forces, Myanmar Police Force, Department of Special Investigation and the Department of Immigration and National Registration that comprise the National Intelligence Bureau. Terrorism and Narco-terrorism are closely related. For international cooperation, Central Committee on Drug Abuse Control (CCDAC) has been assigned duty to contact INTERPOL and ASEANAPOL as the contact point.

9. Myanmar has been conducting suppression of transnational organized crimes in cooperation with ASEAN countries. Further, suppression of trafficking in narcotic drugs has been carried out under bilateral treaties between Myanmar and neighbouring countries which are Thailand, Laos, China, India and Bangladesh. Myanmar, in cooperation with the said countries is conducting prevention and control of terrorist activities. Lawful border-crossing is allowed making use of Cross-border Certificates recognized by the respective countries. Legal action has also been taken after exposing counterfeit notes and forged national registration cards.

Sub-paragraph 2 (e)

10. Actions can be taken against persons who commit acts of terrorism as described in 2 (e), under the Unlawful Associations Act and the Emergency Provisions Act. Under these laws terrorist acts are regarded as serious criminal offences and are punishable by sentences ranging from 7 years imprisonment to death penalty reflecting seriousness attributed to such terrorist acts. A citizen of any State who commits terrorist act in Myanmar has legal action taken against him under the existing laws of Myanmar. Moreover, if a Myanmar citizen commits an offence in a foreign country, legal action is taken against him under the laws of Myanmar, additional to the actions taken by host country under its laws.

Sub-paragraph 2 (g)

11. The Union of Myanmar has been cooperating with Thailand, Laos, China, India and Bangladesh in border security matters and bilateral relations. Activities of the terrorists are being controlled in cooperation with these countries. Citizenship Scrutiny Cards for Myanmar citizens have been systematically made and issued by the Department of Immigration and National Registration. In Myanmar, three kinds of passports are issued as follows:-

(a) Diplomatic Passport (Blue colour)

(b) Official Passport (Green colour)

(c) Ordinary Passport (Red colour)

12. To apply for Myanmar passport, the applicant has to fill the personal data correctly on the Passport Application Form attached with other relevant supporting documents. Regarding the applicant, four departments which are

Military Intelligence Command, Bureau of Special Investigation, Intelligence Unit and Criminal Registration Office scrutinize and submit together with their remarks to the Myanmar Passport Issuance Board that is held for issuance of passports.

13. To prevent forgery of Myanmar passport, the following security arrangements have been made:-

(a) Making use of papers having multi-coloured waves;

(b) Inclusion of State seal watermark on every paper;

(c) Perforating passport numbers on every paper up to half of the booklet;

(d) Numbering up to 48 pages in serial order;

(e) Sealing with the State seal (in embossed print) on the photograph of the holder;

(f) Signing by the Issuing Officer (the Secretary of the Passport Issuance Board) on the photograph;

(g) Covering the page that contains the photograph by laminated tape having security mark on the said laminated tape;

(h) Firm binding of the passport booklet;

(i) Recording the number that was issued and its endorsements in the registration book.

14. **Examining the Entry Traveller (Foreigner)**

A combined inter-agency bodies comprising of the Myanmar Army, Myanmar Police Force, Department of Immigration and National Registration and Department of Customs examine and allow the foreigners who come into the country at the designated border area immigration examination gates. The Immigration and National Registration Department ensures that people come into Myanmar with legal passport and visa and prevents the use of counterfeit documents based on the following procedures:-

(a) **Examining the Passport**

When the Immigration personnel at the Examination Counter receives the passport in hand, he examines in general the following, to ensure the authenticity:-

(1) the integrity of the passport;

(2) whether the security markings by the relevant country are included in the front and back covers of the passport;

(3) whether any of the pages are substituted;

(4) whether the watermarks and reflection marks of the respective country in the passport are authentic;

(5) whether the photograph in the passport is substituted or altered in any manner;

(6) ensure the authenticity of the signature of the issuing authority;

(b) **Further Examination**

If the passport is genuine, it is checked with the Black List in the computer. The following are further examined:-

(1) whether the photograph in the passport corresponds to the bearer;

(2) validity of the passport;

(3) country endorsement;

(4) whether the passport contains a valid visa;

(5) Arrival Card which is filled in completely;

(6) Arrival report and application for entry visa.

(c) **Examination in detail**

If a doubtful fact is found in examining as contained in above sub-paragraphs (a) and (b), further examination is done by the skilled Passport Examination Special Body as follows:

(1) whether there are relevant ultra-violet ray and seals relating to security markings;

(2) checking with the sample passport received from the relevant embassy;

(3) checking with the specimen signatures of the person authorized to sign in the passport received from the relevant embassy.

15. **Examining the Departure traveler (Foreigner)**

When the foreigner travelers who were examined systematically according to the above paragraph are allowed to come into the country, on departure from the country, they are examined as follows;-

(a) The foreigner who has been prosecuted and was contesting a suit/case at the courts and police stations are checked with the Black List so that he may not abscond abroad.

(b) The foreigners who are not in the Black List are examined in respect of the following and are allowed to depart:-

(1) whether it is a valid passport or not;

(2) Departure Card;

(3) whether the departure is within the period of stay permit or not;

(4) whether he has entered from the authorized entry point;

(5) if he has overstayed of the tenure of stay permit, the stipulated fine shall be paid;

(6) if he is the person who stays over 30 days, whether he has the valid Departure Form with him or not;

(7) if he is the person who stays over 90 days, whether he has the Foreigner Registration Card (FRC) with him or not.

16. In future, the systems of e-Passport Examination devices will be installed, used and carried out at the entry and exit of the international airport.

Sub-paragraphs 3 (a) and (b)

17. For the implementation of the Security Council Resolution 1373(2001), the focal points of Myanmar are the International Organizations and Economic Department, Ministry of Foreign Affairs, Yangon and the Permanent Mission of the Union of Myanmar to the United Nations, New York.

Sub-paragraph 3(c)

18. To prevent and suppress terrorist attacks and to take action against perpetrators of such acts, Myanmar has bilateral cooperation arrangement with the neighbouring countries. Myanmar is cooperating with the People's Republic of China under the Protocol for Security and Cooperation of Border Areas. It has also formed Administrative Committees for Border Areas with Thailand, and is co-operating with civilian authorities of border areas of India. Further more, Myanmar is cooperating with the neighbouring countries of Thailand, Laos, China, India and Bangladesh on control of narcotic drugs. On 1 August 2002, Myanmar together with other members of ASEAN has signed the United States-ASEAN Joint Declaration for Cooperation to Combat International Terrorism.

Sub-paragraph 3(d)

19. Myanmar is already a party to the following four conventions and a protocol related to suppression of terrorism:-

(a) International Convention for the Suppression of Terrorist Bombings adopted by the United Nations General Assembly on 15 December 1997;

(b) Convention on Offences and Certain Other Acts Committed on Board Aircraft signed at Tokyo on 14 September, 1963;

(c) Convention for the Suppression of Unlawful Seizure of Aircraft signed at the Hague on 16 December, 1970;

(d) Convention for the Suppression of Unlawful Acts against the safety of Civil Aviation signed at Montreal on 23 September, 1971;

(e) Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation signed at Montreal on 24 February, 1988.

- It is also signatory state to the International Convention for the Suppression of Financing of Terrorism adopted by the United Nations General Assembly on 9 December, 1999;

Sub-paragraph 3(c)

20. Myanmar has not entered into extradition treaty with any country. However, she is cooperating with the neighbouring countries on case-by-case basis. Further more, relevant offences are being dealt with effectively under the domestic laws of Myanmar.

Sub-paragraphs 3 (f) and (g)

21. Myanmar does not permit political asylum to any person.

Paragraph 4

22. Myanmar has been combating the transnational crimes and organized crimes in cooperation with INTERPOL and ASEANAPOL.

Other Matters

23. Myanmar is against all forms of terrorism. The prevention and suppression of terrorism have been carried out through the effective cooperation of the Myanmar Armed Forces, Myanmar Police Forces, People's Militia and Peace groups of nationalities. In carrying out such suppression the following assistance are required under the present situation of Myanmar:-

(a) Techniques and training to combat terrorism;

(b) Equipment and instruments for combating terrorism;

(c) Machines and equipments to detect the authenticity of documents and

(f) Financial assistance for counter-terrorism.

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Letter dated 18 September 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 10 April 2002 (S/2002/392).

The Counter-Terrorism Committee has received the attached supplementary report from the Syrian Arab Republic submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I would be grateful if you could arrange for the present letter and its attachment to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

02-60216 (E) 141002

Annex

Letter dated 9 September 2002 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

With reference to your note dated 27 March 2002, I have the honour to submit herewith the attached supplementary report of the Government of the Syrian Arab Republic in response to the request of the Counter-Terrorism Committee established pursuant to resolution 1373 (2001) concerning terrorism (see enclosure).

(*Signed*) Mikhail **Wehbe**
Ambassador

Enclosure

Supplementary report of the Government of the Syrian Arab Republic

[Original: Arabic]

The Permanent Mission of the Syrian Arab Republic to the United Nations in New York presents its compliments to the Counter-Terrorism Committee created pursuant to Security Council resolution 1373 (2001) of 28 September 2001 and has the honour to submit to the Committee the responses to the questions prepared by experts, approved by the Committee and transmitted to the Syrian Arab Republic by the Committee in its letter No. S/AC.40/2002/MS/OC.24 of 27 March 2002. In submitting this reply to the Committee, the Permanent Mission wishes once again to stress the following principles and bases, which underlie its preparation:

1. Inasmuch as Security Council resolution 1373 (2001) lacks any clear definition of the concept of terrorism or of the terrorist acts or entities to be combated, the Syrian Arab Republic has based itself, in the present reply, on its commitments under the 1998 Arab Convention for the Suppression of Terrorism, which distinguishes between terrorism and the legitimate struggle against foreign occupation, on its commitments under the international conventions against terrorism to which Syria is a party and on the provisions of Security Council resolution 1333 (2000);

2. The Syrian Arab Republic reaffirms its condemnation of terrorism in all its forms and its commitment to international legitimacy. It also expresses once again its readiness to cooperate with the United Nations in combating terrorism in accordance with the Charter of the United Nations, the norms of international law and the generally recognized axioms concerning national sovereignty.

On the basis of the foregoing, the Syrian Arab Republic transmits to the Committee information and answers to the questions arising in connection with the following paragraphs:

Paragraph 1 (a)

- **Please could the Syrian Arab Republic describe any legislative changes or new practical measures which have been made since the adoption of the resolution on counter-terrorism?**

The legislation in force in the Syrian Arab Republic has long included legal texts that impose severe penalties for all acts relating to terrorism committed by any person, whether principal, accomplice, accessory or abettor. Here let us mention the provisions contained in the Penal Code of the Syrian Arab Republic, promulgated by legislative decree No. 148 of 22 June 1949, article 278 of which reads as follows:

> The authors of acts, writings or speeches for which permission has not been granted by the Government and which expose Syria to the risk of acts of aggression, disturb its relations with other States or expose Syrians to acts of retaliation committed against their person or their property shall be punished by a term of imprisonment;

Article 280 of the Penal Code provides that anyone who, within Syrian territory and without the approval of the Government, recruits soldiers to fight for a foreign State shall be punished by a term of imprisonment.

Under article 298 of the Penal Code, any aggression either aimed at stirring up civil war or sectarian fighting through arming Syrians or inducing them to take up arms against each other or involving incitement to kill and plunder in any locality or localities shall be punishable by hard labour for life, and by death if the aggression takes place.

Article 299 provides as follows:

> Anyone who heads or assumes any position or leadership of any nature whatsoever in an armed band, either for the purpose of invading a town or locality or destroying property belonging to the State or to a group of people or for the purpose of attacking or resisting the public force [acting] against the perpetrators of such offences shall be punished by hard labour for life.

Article 300 of the Penal Code provides further clarification concerning the penalty for participation in armed bands, as follows:

> The penalty for participating in armed bands created for the purpose of committing any of the offences provided for in articles 298 and 299 (relating to sedition and gangs) shall be hard labour for life.

Article 304 defines the concept of terrorist acts as follows:

> "Terrorist acts" means all acts intended to create a state of fear which are committed by means such as explosives, inflammable materials, poisonous or burning products or epidemic or microbial agents likely to cause public danger.

Article 305, which defines conspiracies, establishes the penalties to be imposed on their perpetrators as follows:

Paragraph 1. Conspiracy aimed at the perpetration of a terrorist [act or] acts is punishable by a term of hard labour.

Paragraph 2. Every terrorist act entails a penalty of 15 to 20 years' hard labour.

Paragraph 3. It entails the death penalty if the terrorist act results in the destruction, even partial, of a building, industrial establishment, ship or installation of any kind or the disruption of means of information, communication or transport, or if the act causes the death of a person.

Article 212 of the Penal Code considers an accomplice to the crime as liable, like the principal, to the penalty specified for that crime in the Code. The article further provides for the aggravation of the penalty in accordance with the provisions of article 247 in the case of a person who organizes participation in the crime or directs the action of accomplices therein.

Article 306, on associations, provides as follows:

> Any and all associations established for the purpose of changing the economic or social character of the State or the basic conditions of society using any of the means indicated in article 304 (i.e., terrorist acts) shall be dissolved and their members shall be sentenced to a term of hard labour.

– **What is the scope of operation of the proposed money-laundering law? The CTC would be grateful for a progress report on the enactment and implementation of that law.**

The scope of operation of the proposed money-laundering law currently being studied by the competent authorities in the Syrian Arab Republic comprises the following:

1. Illegal trafficking in or growing, manufacturing, smuggling or transporting of drugs or psychotropic substances;

2. Acts undertaken by criminal associations, as provided in articles 325 and 326 of the Penal Code, and all offences internationally considered as constituting organized crime;

3. Terrorist offences, as provided in articles 304 and 305 of the Penal Code;

4. Illegal trafficking in or smuggling or manufacture of firearms or parts thereof, ammunition or explosives;

5. Unlawful conveyance of persons for hire, and organized prostitution;

6. Theft or smuggling of or illegal trafficking in nuclear materials;

7. Illegal trafficking in human organs and microbial and poisonous substances;

8. Theft or embezzlement of public or private funds or seizure thereof by way of burglary or looting or by fraudulent means or unlawful alteration or transfer thereof by means of computerized systems;

9. Counterfeiting of currency or other means of payment, government bonds, valuable papers or official documents or instruments;

10. Theft of and illegal trafficking in antiquities and cultural possessions.

In addition, any act having any of the following purposes is considered as money-laundering under the said law:

(a) Concealing the true source of illegal funds by any means whatsoever or providing a false description of such source;

(b) Transferring or substituting funds in full knowledge of their illegality for the purpose of concealing or distorting their origin, or assisting a person involved in the perpetration of a crime in evading responsibility;

(c) Possessing, obtaining, managing or investing illegal funds or using such funds to purchase movable or immovable property or to carry out financial operations, in full awareness that the funds are illegal.

The draft law provides for the establishment, within the Central Bank of Syria, of a body having legal personality whose function will be to investigate transactions suspected of involving money-laundering operations, to report on the degree of truth of the evidence relating to the commission of such offences and to ensure compliance with the principles and procedures provided for in the law.

Paragraph 1 (b)

- **Please outline the existing legal provisions that criminalise acts of financing terrorism as contemplated by this subparagraph.**

Under article 212 of the Penal Code, anyone who finances terrorist acts is deemed an accessory to the crime and is liable to the penalty provided for such crime in the Code.

The penalty for acts of terrorism ranges from 15 to 20 years' hard labour, according to article 305, paragraph 2, of the Penal Code, or even, pursuant to paragraph 3, the death penalty if the terrorist act results in the destruction, even partial, of a public building or an industrial establishment, a ship or an installation of any kind or the disruption of means of information, communication or transport, or if the act causes the death of a person.

Hence it can be seen from the texts which we have cited from the Penal Code of the Syrian Arab Republic that the perpetrator of any act or deed contrary to the law or public order or any act that causes damage or harm to persons, installations or public establishments is punishable in accordance with the laws in force and on the basis of the penalties established in them. It can further be seen, regarding anti-terrorist legislation and existing legal provisions that criminalize acts of financing terrorism, that the perpetrators of terrorist acts of all descriptions, regardless in what manner or under what cloak or cover such acts are carried out and irrespective of whether such perpetrators are principals, accomplices, accessories, abettors, planners or financers, are punished in accordance with the said Code.

- **Please describe the legislative provisions and the procedures that enable your country's economic and financial system to guard against operations carried out by criminal organisations. Are financial intermediaries subject to vigilance obligations, that is, obligations to report suspicious transactions? Please outline the obligations. What are the penalties which may be incurred and have any already been imposed?**

Syria has many laws dealing with the question of the protection of the financial and economic system in general, such as the Law for the Protection of the Socialist System, the Economic Sanctions Law and others. As for financial intermediaries, since the promulgation of Law No. 23 of 2002, which includes the Law on the Central Bank of Syria and the Money and Loan System, they are subject to the control of the Central Bank of Syria. Moreover, under the money-laundering law currently being studied they will be required to report any suspicious transactions.

Paragraph 1 (c)

- **It is not clear from the report whether the Syrian Arab Republic has a system for freezing accounts. Is any legislation in place, or planned, to allow the freezing of assets of groups and individuals pending investigation of apparent links with terrorist or other serious criminal activity?**

There is no system for freezing accounts in the Syrian Arab Republic. From time to time the Ministry of Finance issues decisions for freezing funds in order to protect public finance or pursuant to a request from the investigating authorities in cases involving both the public and private sectors. The courts, too, sometimes have recourse to requests for the freezing of funds pending a final decision on cases brought before them.

The draft law on money-laundering, which provides for the establishment, within the Central Bank of Syria, of an autonomous body having legal personality whose function will be to investigate transactions involving money-laundering operations, permits that body to freeze suspicious accounts until the matter is decided.

Paragraph 1 (d)

- **Could the Syrian Arab Republic please provide a more detailed outline and copies of its anti-terrorist legislation, in particular, articles 304 to 306 of the Penal Code. Please also make clear what types of acts preparatory to an act of terrorism are criminalized by the law of the Syrian Arab Republic.**

Article 304 of the Syrian Penal Code provides as follows:

Terrorist acts means all acts intended to create a state of fear which are committed by means such as explosives, military weapons, inflammable materials, poisonous or burning products or epidemic or microbial agents likely to cause public danger.

Article 305 of the Code provides as follows:

1. Conspiracy aimed at the perpetration of a terrorist act or acts is punishable by a 10 to 20 years' term.

2. Any terrorist act entails a penalty of 15 to 20 years' hard labour.

3. Such an act entails the death penalty if the act results in the destruction, even partial, of a public building, industrial establishment, ship or installation of any kind or the disruption of means of information, communication or transport, or if the act causes the death of a person.

Article 306 provides as follows:

1. Any and all associations established for the purpose of changing the economic or social character of the State or the basic conditions of society using any of the means indicated in article 304 shall be dissolved and their members shall be sentenced to a term of hard labour.

2. In respect of founders and directors, such penalty shall be not less than seven years.

3. Exculpating or mitigating excuses allowable to conspirators under article 262 apply in the case of perpetrators of the offence defined above.

The Syrian legislator has not defined the nature of acts preparatory to an act of terrorism, but rather left that task to the discretion of the judge when examining each individual case. Nevertheless, the legislator has provided penalties for attempted crimes under articles 199 and 200 of the Penal Code, the texts of which are given below.

Article 199 of the Syrian Penal Code provides as follows:

1. Any attempt to commit an offence that has commenced, with acts aimed directly at its perpetration, shall be considered the same as the offence itself unless its completion is prevented by circumstances other than those outside the will of the perpetrator.

2. The penalties specified in the Code may, however, be reduced as follows: the death penalty may be commutated to hard labour for life or a term of 10 to 20 years' hard labour. Or it may be commutated to a term of not less than seven years' hard labour. A sentence of life imprisonment may be commutated to a term of not less than seven years' imprisonment. Any other penalty may be lowered by one half to two thirds.

3. Anyone who commences an act and desists therefrom by choice shall be punished only for those acts committed by him which in themselves constitute offences.

Article 200 provides as follows:

> If all the acts aimed at the commission of a felony have been carried out but have not come to fruition owing to circumstances independent of the will of the perpetrator, the penalty may be reduced as follows: the death penalty may be replaced by hard labour for life or a term of 12 to 20 years' hard labour; hard labour for life may be commuted to a term of 10 to 20 years' hard labour; life imprisonment may be replaced by a term of imprisonment ranging from 10 to 20 years; and any other penalty may be reduced to one half. The penalties stated in this article may be reduced to two thirds if the perpetrator has, solely by his own will, prevented his act from having its effect.

- **Please describe in more detail how Law No. 93 of 1958 is implemented in practice and how this ensures full compliance with the resolution.**

The texts applicable pursuant to Law No. 93 of 1958, on private associations and institutions, include the following:

1. Legislative Decree No. 84 of 28 May 1949, i.e., the Syrian Civil Code, articles 54 and 55 of which define artificial persons and the rights enjoyed by them. The remaining articles of the Civil Code relating to associations were revoked by Law No. 93 of 1958;

2. Legislative Decree No. 199 of 8 April 1952, on the sports system, which defines the aim of sports and the scout movement, in view of the considerable impact which physical exercise and scouting have on the moral upbringing of the youth, imparting to them physical strength and determination and implanting in their minds excellent and noble qualities. This Decree stresses that sports and the related clubs and associations should be kept away from politics and from racial, religious and sectarian factionalism. In other words, the Decree defines its purposes and objectives in terms of concern for the new generation from both the physical and moral standpoints. The related associations are under the supervision of a competent ministry, which monitors the extent to which such associations comply with the regulations in force;

3. Legislative Decree No. 47 of 12 September 1953, containing the Associations and Parties Law. This Decree was revoked by a decision of the President of the Republic issued in Law No. 93 of 1968, article V, paragraph 4, of which provides that Legislative Decree No. 47 of 12 September 1953, containing the Associations and Parties Law, is abrogated.

Here we wish to emphasize once again that the perpetrators of all terrorist acts, whatever the underlying reasons or motives may be and irrespective of whether such perpetrators are principals, accomplices, accessories, financers or abettors, are punished , as are persons who assist or provide safe haven to terrorist elements under any name or watchword, as provided by the laws in force in the Syrian Arab Republic.

- **The CTC would be grateful for information on cases of successful prosecution in respect of the provision of financial assistance for the carrying out of terrorist acts, whether within or outside the territory of the Syrian Arab Republic.**

Here one should refer back to aarticle 304 of the Penal Code, which defines terrorist acts; article 305, which establishes the penalties for committing terrorist acts; and article 306, which establishes the penalty for founders and directors of associations established for the purpose of changing the economic or social character of the State as not less than seven years.

In other words, as mentioned previously, anyone who commits, plans, finances or abets, participates or intervenes in or provides refuge to the perpetrator or perpetrators of terrorist acts shall be punished in accordance with the Penal Code.

With regard to the question of successful prosecution, the security authorities entrusted with such prosecution, i.e., members of the judicial police, cooperate with the Office of the Public Prosecutor in the prosecution of the perpetrators of terrorist acts. Depending on the offence committed, after the apprehension and examination of the perpetrators the latter are turned over to the judiciary. In the case of foreign prosecution, the judicial police in Syria cooperates successfully and effectively with the security authorities in the other State with a view to the prosecution of the perpetrators of the offence. There exist successful and fruitful agreements on this subject with numerous States. In addition, the judicial police in Syria engages in ongoing cooperation with the International Criminal Police Organization (INTERPOL) based on the exchange of information and the prosecution of the perpetrators of criminal and terrorist acts.

Paragraph 2 (a)

- **Please provide a more detailed explanation of legislation aimed at prohibiting the establishment of paramilitary groups in the Syrian Arab Republic and of any legislation aimed at prohibiting or limiting the acquisition or possession of weapons both within and outside the Syrian Arab Republic.**

Lawful enlistment in the Syrian Arab Republic is that effected for the performance of national military service in accordance with Legislative Decree No. 115 of 5 October 1953, which contains the Military Service Law.

Article 280 of the Penal Code provides that anyone who, within Syrian territory and without the approval of the Government, recruits soldiers to fight for a foreign State shall be punished by a term of imprisonment.

On the question of weapons, Legislative Decree No. 51 of 24 September 2001, containing the Arms and Ammunition Law, includes the following articles:

Article 2. It is prohibited for anyone other than the competent governmental authorities to manufacture military handguns, hunting rifles, training weapons or any other military weapons or the related ammunition.

Article 3. (a) The importation, exportation and transport of the weapons and ammunition referred to in the present Legislative Decree are reserved for the public sector, which shall also have the exclusive right to distribute them in accordance with the regulations and directives in force.

(b) All the rules applied in the Ministry of Defence concerning the importing of weapons, ammunition and fireworks shall remain in force.

Article 5. The bearing and possession of military handguns, hunting rifles and the related ammunition without prior permission is prohibited.

Article 6. The possession of training weapons and the related ammunition is subject to authorization, which shall be granted solely to shooting clubs authorized in accordance with the regulations, and the carrying thereof outside the premises of those clubs is prohibited.

Article 52. All permits for the carrying and possession of military rifles granted prior to the date of this Legislative Decree are revoked. Holders thereof shall be required to turn over their weapons and the permits for the carrying and possession thereof to the nearest internal security forces centre within three months from the date of issue hereof. The Ministry of the Interior shall be charged with turning over such weapons to the Ministry of Defence in accordance with schedules. The Ministry of Defence shall issue a decision on the manner of receipt of the weapons and the amount of compensation payable to their owners.

Paragraph 2 (b)

- **Does the Syrian Arab Republic have a body specialized in counter-terrorism, or is this the responsibility of a number of departments or agencies? In the latter case, how is coordination between the various entities effected?**

Counter-terrorism is entrusted to a number of agencies coordination among which is assured by the Office of National Security in the capital and security committees in the governorates. Each agency carries out the measures entrusted to it by the coordinating authority.

Paragraph 2 (c)

- **Please could the Syrian Arab Republic describe the main provisions of its legislation relating to immigration control and the granting of the right of asylum, and provide copies. Please indicate how criminal groups are prevented from abusing those provisions. Please provide a statement of the conditions for the issuance of identity documents, particularly passports, to aliens.**

The Aliens Entry and Residence Law, promulgated by Legislative Decree No. 29 of 15 January 1970, contains the following articles:

Article 2. Aliens shall be permitted to enter or leave the territory of the Syrian Arab Republic only if they are the bearers of a valid passport or any document taking the place thereof and granting them the right of return, issued by the competent authority of their country or any other recognized authority. The passport or other document must be stamped with an entry or transit visa from the Ministry of the Interior, a diplomatic mission, a Syrian Arab consulate or any other body charged by the Syrian Arab Republic with granting such visas.

Article 3. A national of any foreign State may be exempted, by a decree based on a proposal of the Minister of the Interior, from the requirement to obtain a visa or to bear a passport and the Minister of the Interior may exempt any alien he sees fit from that requirement.

Article 4. Aliens shall be permitted to enter or leave the territory of the Syrian Arab Republic only at the places designated by decision of the Minister of the Interior and with the permission of the competent authority at the border. Upon such entry or exit a visa shall be stamped on the passport or document taking its place.

Article 5. It may be required, by decision of the Minister of the Interior, that aliens obtain an exit visa prior to their departure from the territory of the Syrian Arab Republic; [...] demonstrate the discharge thereof upon their arrival in or departure from the territory of the Syrian Arab Republic; [...] present to the competent official a list giving the names of the men and passengers on their ships or aircraft and particulars concerning them. Furthermore, [...] shall be required to report the competent authorities the names of passengers who do not have passports and those who are carrying improper or invalid passports and to prevent such passengers from leaving or boarding the vessel or the aircraft without permission from those authorities.

Article 7. Aliens shall be required to present themselves, within 15 days from their date of entry into the territory of the Syrian Arab Republic, at the Emigration and Passport Department in the capital, one of its branches in the governorates, the competent Emigration and Passport Centre or, if no such office exists, the nearest police unit and provide the required civil status data by completing the form prepared by the Ministry of the Interior.

Article 9. Any alien desiring to change his place of residence must report his new address to the Emigration and Passport Department or its branch in the governorate in which his new place of residence is situated. If he moves to a municipality outside the capital of the governorate, he must, within two days of his arrival, report to the competent Emigration and Passport Centre or, if no such centre exists, to the nearest police unit of the municipality to which he has moved. Aliens who have presented a diplomatic visa during the first month following their arrival in the country shall be exempted from this requirement.

Article 11. Persons in charge of the management of hotels, inns or other similar establishments and individuals that house, lodge or rent living quarters to an alien must report to the Emigration and Passport Department, its competent branch or centre or, if no such centre exists, the nearest police unit, the name and place of residence of the alien within two days after his arrival and departure.

Article 12. Every alien must, during his stay in Syria, present to the competent authorities, upon request, his passport or any document taking its place or any data requested from him within the time limit allotted to him. In the event that his passport or such other document is lost or damaged, he must, within three days from the occurrence of the loss or damage, notify the competent branch of the Emigration and Passport Department or Emigration and Passport Centre or, if none exists, the nearest police unit.

Article 13. Any person who employs an alien must notify the competent branch of the Emigration and Passport Department or Emigration and Passport Centre, using the form prepared for that purpose, within three days from the start and termination of such employment.

Article 15. Any alien desirous of residency must have obtained a residence permit and must depart from the territory of the Syrian Arab Republic upon the expiration thereof.

Article 138 - 2. The provisions relating to Arab Palestinian refugees contained in the decision issued in Law No. 89 of 1960, in particular article 18, paragraph (a) thereof, shall remain applicable

until the adoption of special legislation to regulate their situation with regard their entry, residence and travel and the related documents.

Law No. 89 of 18 March 1960

Article 18. Aliens having special residence status are: [...].

Article 33. The Minister of the Interior shall determine, in a decision issued by him, the form and conditions of travel documents granted to certain classes of foreign refugees; the conditions and procedures for the granting thereof; the amount of the related fees, provided, however, that such amount shall not exceed three Egyptian pounds or 27 Syrian pounds; and the cases in which total or partial exemption therefrom is to be granted.

Law No. 42 of 31 December 1975

Article 7. Passports are granted to all nationals of the Syrian Arab Republic and to Palestinian refugees in the Syrian Arab Republic who fulfil the related requirements.

Article 8. Passports of various types are granted to Syrian nationals and other persons and authorities who apply for them when the Minister of the Interior considers that there is cause for granting them passports and in the manner that he deems appropriate.

- Please see the response relating to paragraph 2 (b).

Article 4 of the Arab Convention for the Suppression of Terrorism provides as follows:

Contracting States shall cooperate for the prevention and suppression of terrorist offences, in accordance with the domestic laws and regulations of each State, as set forth hereunder:

1. Contracting States shall undertake to promote the exchange of information between and among them concerning:

(a) The activities and crimes of terrorist groups and of their leaders and members; their headquarters and training; the means and sources by which they are funded and armed; the types of weapons, munitions and explosives used by them; and other means of aggression, murder and destruction;

(b) The means of communication and propaganda used by terrorist groups; their modus operandi; the movements of their leaders and members; and the travel documents that they use.

2. Each contracting State shall undertake to notify any other Contracting State in an expeditious manner of the information it has concerning any terrorist offence that takes place in its territory and is intended to harm the interests of that State or of its nationals and to include in such notification statements concerning the circumstances surrounding the offence, those who committed it, its victims, the losses occasioned by it and the devices and methods used in its perpetration, to the extent compatible with the requirements of the investigation and inquiry.

- **The CTC would be grateful to know whether the legislation applies to all terrorist groups and individuals or only those mentioned in the report.**

This legislation applies to all.

Paragraph 2 (d)

- **Please outline the provisions of domestic law incorporating the principles of the Arab Convention for the Suppression of Terrorism.**

The Syrian Arab Republic participated in the drafting of the 1988 Arab Convention for the Suppression of Terrorism, which it has signed and ratified, and also participated in the establishment of the mechanism for its implementation. Articles 1 and 2 of the Convention contain a definition of terrorism and terrorist offences. Part two, chapter I, of the Convention stipulates measures for the prevention and suppression of such crimes, and chapter II of the same part provides for the extradition of terrorist offenders, including accomplices, accessories and abettors. Through the accession of the Syrian Arab Republic to the Convention, it became part of Syria's domestic legislation and applicable for condemning or for assisting other States in the suppression of such crimes, for extraditing or requesting the extradition of offenders or for the exchange of information and documents relating to terrorist offences.

Paragraph 3 (b)

- **To what bilateral or multilateral agreements in the field of judicial assistance and extradition is the Syrian Arab Republic a party? What are the legal procedures required by the Syrian Arab Republic for the execution of a request by another country for assistance or extradition?**

From the first days of independence, the legislation of the Syrian Arab Republic has criminalized terrorism, as we mentioned in connection with article 1, and legislation has been enacted to help combat criminal acts. The Law on the Extradition of Criminals, Law No. 53 of 5 April 1955, was enacted to facilitate cooperation between the Syrian Arab Republic and other States in the apprehension of offenders and their extradition to the State having jurisdiction to try them. For that purpose, a special committee has been formed to decide on requests submitted by other States.

The bilateral treaties on judicial cooperation concluded by the Syrian Arab Republic with other States contain special rules on judicial assistance and the extradition of criminals. Syria is also a party to the Arab Convention on Judicial Cooperation, know as the Riyad Convention, chapter VI of which provides for the extradition of suspects and persons who have been sentenced. The same is true in respect of the Model Treaty on Extradition, adopted in 1990 at the eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders. All this represents action aimed at suppressing crime, terrorist offences, and at denying asylum to offenders within the territory of the Syrian Arab Republic.

The Syrian Arab Republic participated in the drafting of the 1988 Arab Convention for the Suppression of Terrorism, which it has signed and ratified, and also participated in the establishment of the mechanism for its implementation. Articles 1 and 2 of the Convention contain a definition of terrorism and terrorist offences. Part two, chapter I, of the Convention stipulates measures for the prevention and suppression of such crimes, and chapter II of the same part provides for the extradition of terrorist offenders, including accomplices, accessories and abettors. Through the accession of the Syrian Arab Republic to the Convention, it became part of Syria's domestic legislation and applicable

for condemning or for assisting other States in the suppression of such crimes, for extraditing or requesting the extradition of offenders or for the exchange of information and documents relating to terrorist offences.

The Syrian Arab Republic participates in the drafting of international conventions, including those relating to terrorist acts, and was one of the first States to announce its condemnation of terrorist acts and to call for the definition of terrorist acts and terrorist offences, for the sake of clarification, justice and right.

Paragraph 3 (d)

- **Please could the Syrian Arab Republic provide a report on the progress of its intended ratifications of those universal anti-terrorism conventions which it has not yet ratified.**

Syria has acceded to four conventions on terrorism, which have come into force as part of Syrian law, and its accession to other such conventions is now being studied by the authorities concerned in Syria, namely:

1. International Convention for the Suppression of Terrorist Bombings;
2. International Convention for the Suppression of the Financing of Terrorism;
3. International Convention against the Taking of Hostages;
4. Convention on the Marking of Plastic Explosives for the Purpose of Detection;
5. Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf;
6. Convention for the Suppression of Unlawful Acts [....].

Paragraph 3 (e)

- **Please outline the provisions of domestic law that embody the principles of the four anti-terrorism conventions to which the Syrian Arab Republic is already a party.**

All legislative texts and the conventions mentioned above as well as others to which the Syrian Arab Republic is a party are in force in our country.

Paragraph 3 (g)

- **What is meant by the term "offences of a purely political character" and what authority makes that assessment in respect of the alleged offences of a person whose extradition is requested by a third State?**

In respect of political offences, the Penal Code provides as follows:

Article 195

1. Political offences are intentional offences committed by the perpetrator out of political motives.

2. They also include offences against collective or individual political rights, provided that the perpetrator is not driven by base, selfish motives.

Article 196

1. Offences compounding or concomitant with political offences are considered political offences provided that they are not among the grossest felonies with regard to morals or common rights, such as killing, serious injury, attacks against property by burning, exploding or flooding or serious theft, especially when committed with weapons and violence; similarly considered are attempts to commit such felonies.

2. In civil war or rebellion, compounding or concomitant crimes are considered political only if the customs of war do not prohibit them and they are not barbaric acts or acts of sabotage.

Article 197

1. If the judge ascertains that the offence has a political character, he shall award the following penalties:

   - Life imprisonment in lieu of the death or hard labour for life;

   - A term of imprisonment, exile, house arrest or deprivation of civil rights in lieu of a term of hard labour;

   - Simple imprisonment or house arrest in the case of a misdemeanour committed against the external security of the State.

Article 198

If the judge determines that an offence punishable as a political offence was committed out of a base, selfish motive, he shall substitute the penalty provided by law for the corresponding penalty indicated in the foregoing article. However, life imprisonment shall not be converted to any penalty other than hard labour for life.

Paragraph 4

- **Has the Syrian Arab Republic addressed any of the concerns expressed in paragraph 4 of the resolution?**

In the cases handled in Syria have there has not been any evidence of any connection between them and organized crime.

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Security Council

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Letter dated 18 September 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 10 April 2002 (S/2002/394).

The Counter-Terrorism Committee has received the attached supplementary report from Andorra, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

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Annex

Letter dated 10 September 2002 from the Chargé d'affaires a.i. of the Permanent Mission of Andorra to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

At the request of my Government, I have the honour to transmit to you the second report to be submitted by the Principality of Andorra to the Counter-Terrorism Committee pursuant to paragraph 6 of resolution 1373 (2001) (see enclosure).

My Government will be happy to provide the Committee with such additional information as it considers necessary.

I should be grateful if you would arrange for the present letter and its enclosure to be circulated as document of the Security Council.

(*Signed*) Jelena **Pià-Comella**
Chargé d'affaires a.i.

Enclosure

[Original: French]

Responses to the preliminary comments and questions concerning the content of the report submitted pursuant to Security Council resolution 1373 (2001)

Andorra wishes to thank the Counter-Terrorism Committee for its attention to the report submitted on 21 December 2001 pursuant to Security Council resolution 1373 (2001).

The Andorran Government is firmly resolved to combat all forms of terrorism by all means at its disposal, as has been publicly reaffirmed on several occasions by the Head of Government, Mr. Marc Forné, and the Minister for Foreign Affairs, Mr. Juli Minoves. In this connection, it is submitting this new report in response to the comments made by the Counter-Terrorism Committee in its letter of 1 April 2002.

This new report was prepared in close collaboration with all the Ministries concerned, namely, the Ministry of Finance, the Ministry of the Interior, the Unit for the Prevention of Money-Laundering and the Ministry of Foreign Affairs.

We remain entirely at the disposal of the Counter-Terrorism Committee and will be happy to provide any additional information that may be necessary.

Subparagraph 1 (a)

Andorra reports that it has adopted a law on the protection of bank secrecy and the prevention of the laundering of money, etc., relating to proceeds of crime. Please outline the provisions of the law that enable the prevention and suppression of financing of terrorist acts as required under the subparagraph, regardless of the source of that financing.

Does Andorra propose the inclusion of financing of terrorism as a separate crime in its Criminal Code?

The 1995 law on the protection of bank secrecy and the prevention of money-laundering was abrogated by the new law on international cooperation in criminal matters and prevention of the laundering of money or securities constituting the proceeds of international crime, of 29 December 2000.

Article 41 of the law establishes its scope of application: "The term laundering offence means the fact of committing any of the acts categorized as such in the Penal Code." In this connection, **article 145** of the Penal Code provides that anyone who has committed an act intended to conceal the source of money or securities representing the proceeds of drug trafficking, kidnapping, procurement or terrorism offences, or who has used such money or securities for licit purposes but who knows or should have known the source thereof shall be imprisoned for up to eight years and pay a fine of up to 120,202.42 euros.

In addition, **article 84** of the Penal Code condemns "anyone who collects funds for the benefit of organizations or groups (...)", meaning groups or organizations that have jeopardized the security of the Principality or disturbed the peace and public order by means of arms or explosives or by committing attacks

(previous articles). As to the source of the money, the Penal Code does not distinguish in this article between funds from licit and illicit sources.

Article 83 of the Penal Code refers to money obtained by illicit means, establishing penalties for anyone who, in order to obtain funds for the benefit of the organizations or groups mentioned in the previous article, attacks property causing death or serious injury.

Even though these provisions do not mention "financing of terrorism" explicitly, they do allude to it through the use of such terms as "the collection of funds" and "obtain funds".

Thus, under **article 46** of the law on international cooperation in criminal matters and prevention of the laundering of money or securities constituting the proceeds of international crime, persons under obligation to report must report suspicious transactions or planned transactions (see paragraph 1 (a) of the first report submitted pursuant to resolution 1373 (2001)), irrespective of the country in which the suspected laundering offence was committed or may be committed and of the source or destination of the funds.

On the initiative of the Andorran General Council (Andorran parliament), a parliamentary working committee is preparing a complete revision of the Penal Code. The new text would criminalize financing of terrorism as such.

Subparagraph 1 (b)

Please outline the provisions of the Criminal Code of Andorra that criminalize the collection of funds in its territory for support of terrorism elsewhere.

Under **article 3.2** of the Penal Code, [Andorran] criminal law applies to offences initiated, planned or committed in Andorran territory that produce or are intended to produce effects abroad.

Thus, the collection of funds intended for the financing of terrorism is punishable under Andorran law since it may be regarded as the planning of the offence, even if the terrorist acts are committed abroad.

In addition, **article 146** of the Penal Code sanctions perpetrators who act for the purpose of making a profit or take part in associations for the purpose of committing offences or laundering money or securities representing the proceeds of offences committed abroad.

Article 147 stipulates, inter alia, that the two preceding articles (articles 146 and 145 on money-laundering) shall apply even if the main offence was committed abroad, provided that it is punishable under Andorran criminal law.

Moreover, articles 83 and 84 of the Penal Code may also be considered with respect to the collection of funds to support acts of terrorism committed outside Andorran territory. These articles punish any person who collects funds for the benefit of organizations or groups that disturb the peace and public order by means of arms or explosives or by committing attacks. In addition, the Penal Code condemns any person who, in order to obtain funds for the benefit of such organizations or groups, attacks property causing death or serious injury or commits a kidnapping.

Subparagraph 1 (c)

Subparagraph 1 (c) requires freezing of funds of all persons and entities connected with terrorism. Please explain whether the provisions of articles 38 and 47 of the Penal Code referred to in the report cover the requirements of this subparagraph.

Please explain how the reservations entered into by Andorra in relation to criminal offences connected with money-laundering would affect the requirements of this subparagraph.

Article 38 of the law on international cooperation in criminal matters and prevention of the laundering of money or securities constituting the proceeds of international crime provides for international legal cooperation in connection with requests made by foreign authorities for confiscation of instruments used to commit an offence, the proceeds, money, securities or goods obtained therefrom or their counterpart, as referred to in article 147 of the Penal Code, or the proceeds, money, securities or goods obtained from any other serious offence. The request is submitted by the Government Procurator to the *Tribunal de Corts*, which, after hearing the interested parties, makes an order as to whether the request may be the subject of an appeal before the High Court of Justice.

The Court may neither revise nor alter the foreign confiscation decision, but it must, however, rule on claims by bona fide third parties that have not been resolved in the aforementioned decision.

The same procedure is generally applicable, either automatically or at the request of the requesting State, in the case of goods, money or securities constituting the proceeds of any criminal offence, the lawful owner of which has not been identified.

Article 47 of the same law provides that the Unit for the Prevention of Money-Laundering may provisionally block a transaction if it considers such action to be justified by the evidence. In order for this to take place, the declaration must be made prior to the execution of the suspicious financial or economic transaction by the person under obligation to report.

The transaction may not be blocked for more than five days, the maximum time limit within which the Unit is required by law to lift the block and authorize the execution of the transaction if the evidence is inaccurate or, if this is not the case, to transmit the action to the Government Procurator. In all cases, whether or not the transaction is executed, the declaration must be accompanied by all the information relating to the transaction or transaction request. The person under obligation to report must transmit to the Unit for the Prevention of Money-Laundering any new information of which he or she becomes aware that may affect the evaluation of the transaction declared.

In reference to this article, the Unit may block a transaction that has been declared suspicious and transmit the files to the Government Attorney's Office subsequently if there is evidence of laundering offences. The Office decides, in conjunction with the judge, whether to maintain the block or to lift it.

In addition, **article 4** of the law on international cooperation in criminal matters and prevention of the laundering of money or securities constituting the

proceeds of international crime stipulates that international legal cooperation and, consequently, requests [for assistance] shall be accepted, provided that:

(a) The proceedings abroad conform with the constitutional principles of the Principality in respect of the rights and freedoms guaranteed in chapter II of the Constitution;

(b) The measure requested does not conflict with the fundamental principles of the Andorran legal system;

(c) There are no substantial grounds for believing that the proceedings have been instituted against a person on account of his or her political opinions, social origin, race, religion or nationality;

(d) All the offences giving rise to the letters rogatory are punishable as criminal offences under Andorran law;

(e) The person who is the subject of the request has not been sentenced to imprisonment in the Principality and served his or her sentence or been acquitted in Andorra of the same offences;

(f) The acts giving rise to the request are not of a political nature and the request does not have a political end;

(g) The acts giving rise to the request, while they constitute an offence under Andorran law, are of sufficient importance to justify the intervention of the Andorran courts;

(h) The communication of the information does not undermine the sovereignty, security, public order or other basic interests of the Principality.

As to the reservations entered into by Andorra on its accession to the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime, these specify that the Convention shall apply to criminal offences or categories of criminal offences established in Andorran domestic law concerning the laundering of money or securities representing the proceeds of crime. In this connection, the Andorran Penal Code establishes five criminal offences or categories of criminal offences in relation to money-laundering which are as follows: drug trafficking, kidnapping, the illegal sale of arms, procurement and terrorism (**article 145**).

Subparagraph 1 (d)

Could Andorra please indicate whether there are any regulations governing alternative money transfer agencies?

What penalties would be imposed on (a) an association and (b) the members of the association if they violated the law regulating associations, particularly in regard to the end use of the association's funds?

In alternative or informal systems, money or securities are moved through channels outside the financial system, with the funds or goods being payable as cash in another country. Such alternative systems are usually used by particular ethnic or national groups, or other organized groups.

Because associations in the Principality of Andorra are restricted and tightly controlled, this high-risk practice has never developed, and there are no informal fund-transfer systems or alternative money-transfer agencies.

However, any natural or legal person providing such financial services without the appropriate authorization would be committing a serious administrative offence, under article 15 of the act of 27 November 1997 regulating disciplinary arrangements for the financial system and would incur a penalty under article 18 of that act (a fine of 150,000 to 300,000 euros and temporary or permanent restriction of the establishment's operation). The same natural or legal person would also be committing a criminal offence under article 141 bis of the Penal Code, which carries a sentence of up to five years' imprisonment and a fine of up to 150,000 euros. If the financial activities have involved a legal person, that legal person may incur the additional penalty of being forcibly dissolved.

The act of 19 December 1996 on the terms of operation of the financial system establishes which entities make up that financial system, and defines the activities which each of them can undertake, subject always to the authorization and regulation of the appropriate administering body. Article 9 (a) prohibits non-banking financial institutions from accepting routine deposits or other repayable funds from the public, as that is the function of a bank.

The current composition of the Andorran financial system is as follows:

Banking establishments:	six authorized establishments
Non-banking specialist credit financial establishments:	
– specializing in mortgage loans:	none accredited
– specializing in forward sales:	1 accredited
– specializing in leasing:	none accredited
– specializing in factoring:	none accredited
Investment-related financial establishments:	
– financial establishments managing assets:	5 accredited
– financial establishments managing investment bodies:	3 accredited
– financial establishments promoting venture capital:	none accredited
Financial establishments providing miscellaneous services:	
– currency-exchange institutions:	none accredited
– institutions providing financial advice:	none accredited
– financial intermediation institutions:	none accredited

Regulation of the Andorran financial system began in 1989 with the act establishing the Andorran National Financial Institute (INAF), which oversees and monitors the financial system (prior to that, the financial sector had been self-regulating, through a code of conduct based on the Basel principles and the various international conventions and standards for combating money-laundering).

Once INAF had been set up and was in operation, an act on provisional measures ordering and regulating the financial sector was adopted (28 April 1993); it was subsequently amended by the act on the terms of operation of the financial system of 1996. It stipulated that until such time as an act regulating the financial system was adopted, no new financial entity could be placed on the Administrative Registers, in other words, no such entity could be established. In November 1993, the act regulating the financial system was adopted. It stipulated, inter alia, that all financial activities must be conducted through a legal person, and that until such time as a specific act setting the minimum reserves for each type of activity was adopted, no accreditation would be issued. So far, only the texts regulating banking activity have been adopted, and it should be pointed out that no new banking institutions can currently be licensed. This means that the financial system is closed at the moment. Only subsidiaries of banks have been authorized, since the legal texts require certain activities to be separated off.

This situation explains why Andorra in practice has only some of the non-banking financial activities which are typical of the average financial system.

(The acts regulating the Andorran financial system can be found at http://www.inaf.ad).

With regard to associations, the qualified act on associations of 29 December 2000 seeks to develop the freedom of association recognized in the Andorran Constitution of 1993, and to regulate associations in general, without affecting special legislation governing specific associations.

For the purposes of the act, an association is any voluntary group of three or more persons who seek, by means which are not in violation of the law, to attain a legitimate, non-profit goal.

Associations governed by this act may engage in economic activity provided that they operate within the bounds of their statutes and do not seek, whether explicitly or implicitly, to generate profits to be divided among their members.

Because it is not a criminal statute, the act cannot punish associations or members of associations, but administrative penalties may be applied.

However, article 1.2 of the act stipulates that the aims of all associations must be legitimate and non-profit. Article 29 of the act stipulates that associations receiving public grants must account for the use of those grants to the body which paid them. Associations may in addition be dissolved by a final decision of a court, under the terms laid down in articles 100, 146 and 82, 83 and 84 of the Penal Code.

Article 100 makes it illegal to form an association of two or more people to plot or commit a crime.

Article 23 of the associations act imposes responsibilities on associations and the members of their general meetings. Accordingly, associations are held accountable for what they do and what they fail to do with all their assets and rights, present and future. The members of the general meeting are answerable to the association, associates and third parties for any action they take in the performance of their duties that is contrary to the law or to the association's statutes, and for damages and compensation resulting from wilful deception or negligence. In addition, the members of the general meeting have joint and several responsibility for actions agreed on collectively, unless they have declared their opposition thereto.

Joint and several responsibility also applies if the action or failure to act cannot be attributed to one or more of those members individually and exclusively.

Subparagraph 2 (a)

Please outline the provisions of the Penal Code that make it an offence to recruit persons in Andorra to terrorist groups outside Andorra.

Articles 3.2 and 4 of volume 1 of the Penal Code (relating to the application of penal law) stipulate that it applies to offences initiated, planned or committed within Andorra which produce or are intended to produce effects abroad, and to offences committed abroad which extend to Andorra. Andorran courts also have jurisdiction over complex offences if any one constituent element of those offences has been committed in Andorra. Recruitment of persons in Andorra to terrorist groups outside Andorra can be considered to be a component of the offences covered by articles 82, 85, 86 and 87 of the Penal Code (anyone who, individually or as part of an organization or group jeopardizes the security of the Principality or disturbs the peace and public order by means of arms or explosives or by committing attacks; anyone who provides the members of such organizations or groups with accommodation or any other resources; anyone who supplies or procures weapons or explosives for terrorists or armed groups; anyone who tries to justify the offences or the organizations or groups in question).

Subparagraph 2 (b)

The CTC would be grateful to know when Andorra plans to become party to the European Convention on Mutual Assistance in Criminal Matters.

The European Convention on Mutual Assistance in Criminal Matters is a priority for the Government of Andorra for this year, and the accession process has already begun.

On 22 May 2002, the Minister for Foreign Affairs presented to the Council of Ministers the case for Andorra's accession to the Convention. At that point, the ministers involved began the process of compiling legal reports to examine whether or not there was any conflict between domestic Andorran law and the provisions of the Convention, so that if any such conflict was found, the necessary amendments could be determined. In their reports, the ministers were to analyse what practical steps would have to be taken to implement the commitments in the Convention. Other more technical issues (such as the translation of the Convention and its examination by linguistic advisers and the appropriate ministers) would also have to be discussed. All the documents mentioned, and an explanatory memorandum, will then be transmitted to the Ministry of Foreign Affairs, which will conduct a final review and forward the package to the Council of Ministers. After approval, the Office of the Secretary-General of the Government will forward the Convention to the General Council (Parliament) for approval. Following approval, the *Síndic General* (speaker of parliament) will transmit the Convention to the two Co-Princes so that they can give the State's assent and order its publication in the *Official Gazette* of the Principality of Andorra. The instrument of ratification, together with a translation, will then be deposited with the Council of Europe.

Subparagraph 2 (c)

Please clarify whether Andorra could refuse asylum to persons suspected of terrorist links outside Andorra.

The procedure for a person seeking asylum in Andorra is to submit an immigration application, in order to be legally resident in the country. The application must be submitted to the Immigration Service (under the Decree regulating the Immigration Service of 15 February 1996, article 1). The application may, however, be denied by virtue of the Basic Decree on Immigration of 26 June 1980 (paragraph III.7), which provides for a review of the applicant's files, which might justify refusal of an immigration authorization.

In this connection, the police services (under article 3 (c) and (d) of the Decree regulating the Immigration Service) have the power to inspect the court and police files of aliens and the authenticity of the official documents in their possession, and in general to maintain law and order.

Accordingly, an immigration application from a person involved in financing, organizing, preparing or perpetrating terrorist acts would be denied if that person's file showed that to be the case. The person would then be invited, following on the denial of the immigration application, to leave Andorra within a short period of time. Where necessary, an order would be issued for expulsion and for escort to the frontier, under article 14.2 of the Chief Magistrate's Decree of 3 July 1980 governing places of residence of aliens.

On 14 May 2002, however, the General Council adopted a new immigration law which will enter into force 90 days after its publication in the *Official Gazette* of the Principality of Andorra. This law establishes certain personal criteria to be considered at the time of granting an immigration authorization: inter alia, article 42 establishes that a person who submits an immigration application must not pose any danger to the security of the State or of persons or property, or to law and order, and article 47 provides for refusing authorization in cases where documents or information have been falsified or withheld. (The same criteria would apply to residents who wish to renew their immigration authorizations.)

Subparagraph 2 (d)

Could Andorra please clarify whether article 4 of the Penal Code, referred to in the report, covers persons living in Andorra but aiding, abetting or committing acts of terrorism elsewhere.

The first chapter of volume 1 of the Penal Code defines the scope of penal law.

According to articles 2, 3 and 4 of the Penal Code, penal provisions apply to:

- All crimes and misdemeanours committed on the territory of the Principality;
- Crimes initiated, planned or committed abroad which produce or aim to produce effects on Andorran territory;
- Crimes initiated, planned or committed on Andorran territory which produce or aim to produce effects abroad;

- Crimes committed abroad by Andorrans or by aliens against the security of the Principality, its institutions or its authorities, and offences involving falsification of official Andorran documents, currency or seals;
- Crimes committed by Andorrans in a foreign country, provided all the following conditions are met:
    (a) The accused is present in Andorran territory;
    (b) The accused has not been tried in the country in which he or she committed the offence;
    (c) The offence of which he or she is accused is a crime also in the country in which it was committed;
- Crimes committed abroad which extend into Andorra shall be punished in accordance with the Penal Code. Andorran courts shall also have the power to judge complex crimes where any one of the constituent elements of the crime was perpetrated in the territory of the Principality.

In the case of persons residing in the Principality who aid, conceal or commit terrorist acts outside the country, at least one element of the complex crime must have been committed in Andorra.

Otherwise, the accused may be tried by Andorran courts if he or she is Andorran; if the accused is an alien, he or she may be extradited if a request to that effect is addressed to the Andorran courts.

Subparagraph 2 (g)

Could Andorra please provide the CTC with information on the mechanism for inter-agency cooperation between the authorities responsible for narcotics control, financial tracking and security with particular regard to the border controls preventing the movement of terrorists.

The authorities responsible for narcotics control and security and for border controls work within the same department. Their functions are thus coordinated by the same administrative authorities. In this case, it is the chief of police who coordinates such activities.

As to the authorities responsible for financial tracking, one of the three members of the Unit for the Prevention of Money-Laundering is a police officer who oversees relations and contacts with the different levels of the police department.

Because of its geographical characteristics, Andorra has no air access of its own. Furthermore, Andorra is situated in the middle of the Pyrenees, making maritime access impossible.

As a result, the only access to Andorra is by land through two single entry passages: in the north, the Franco-Andorran frontier, in the south, the Hispano-Andorran frontier. This means that individuals who arrive in Andorra have first passed through the entry and exit controls of our neighbouring countries.

Even so, Andorran police officers verify once again that the individuals are in possession of the necessary travel documents — a passport, for example — and even that they have sufficient resources to permit a stay in Andorra.

Still, since the attacks of 11 September, the Andorran police, made more aware by the events that shocked the whole world, reinforced their border controls so as to detect the entry of possible terrorists into Andorra.

Furthermore, the members of the police force, in cooperation with the Spanish and French police, have taken training courses so that they can more easily detect whether documents have been tampered with. In any case, when in doubt, Andorran police officers check with the operational information units for clarification.

Andorra does not have its own legislation governing visas. Nevertheless, in December 2000, the Principality signed a convention with France and Spain concerning the movement and stay of third-country nationals in Andorra, article 2 of which provides that "the Contracting Parties undertake to coordinate their legislation on the entry and stay of third-party nationals, taking into particular account their respective interests and their international commitments. To that end, the Contracting Parties shall regularly provide each other with the list of third States whose nationals are subject to a visa requirement for a transit or a stay of less than 90 days".

Subparagraph 3 (c)

The report mentions, in relation to subparagraph 2 (b), that the Unit for the Prevention of Money-Laundering is empowered to cooperate with similar agencies in other countries. Please provide a list of the bilateral arrangements to which Andorra is party, other than those mentioned in relation to subparagraph 3 (c), for the exchange of information on terrorists.

A comment should be made in this connection. The Unit for the Prevention of Money-Laundering does have the authority to cooperate with similar agencies in other countries with regard to the financing of terrorism. Thus far, the Unit has signed bilateral arrangements with France (TRACFIN), Spain (SEPBLAC) and, on 10 July 2002, with Belgium (CTIF-CFI). In addition, the Unit is currently negotiating the signing of other bilateral arrangements with Panama, Bolivia, the Netherlands Antilles, Poland and the United States of America. Lastly, the Unit became a member of the Egmont Group of Financial Intelligence Units of the World on 5 June 2002. In any case, as stipulated in articles 55 and 56 of the Act on International Penal Cooperation and against the Laundering of Money or Securities Resulting from International Crime, cooperation with other similar foreign agencies does not require the existence of written agreements.

As article 55 states:

"The Unit for the Prevention of Money-Laundering referred to in the previous articles shall cooperate with other similar foreign agencies."

As article 56 states:

"The transmission of information concerning operations or projected operations relating to money-laundering and international crime, and of extracts from court files, to other similar foreign agencies may be done by the Unit for the Prevention of Money-Laundering on its own initiative or at the request of such agencies, but shall always require the authorization of the chief administrative officer of the Unit and shall be subject to certification, in

advance of transmission, by the party receiving the information that it meets the following conditions:

"(a) Reciprocity in the exchange of information;

"(b) An undertaking on the part of the receiving State that it will not use the information for purposes other than those covered by this Act;

"(c) The obligation, on the part of the foreign agencies receiving the information, to maintain professional secrecy under pain of criminal prosecution."

That being the case, the sharing of information on perpetrators of terrorist acts must be done through the Andorran police. There is mutual cooperation between the police force and the police services of other States, who exchange information rapidly and spontaneously, without any need for bilateral agreements, or through Interpol. Nevertheless, two protocols on police cooperation with the Spanish authorities have been concluded.

Subparagraphs 3 (d) and (e)

Could Andorra please indicate its intentions with regard to the ratification and implementation of those of the relevant international conventions and protocols relating to terrorism that it has not yet ratified.

The Principality's intentions with regard to the ratification and implementation of the relevant international conventions and protocols are to fulfil the commitments it undertook when it signed the conventions. Accordingly, Andorra is currently preparing the necessary studies so as to be able to proceed with the relevant ratifications as soon as possible. Since 1993, the year in which the Constitution was adopted, Andorra has signed and ratified close to 80 conventions and it is in the process of considering another 50 or so. It has therefore made a considerable effort and hopes to continue doing so.

Paragraph 4

Has Andorra addressed any of the concerns expressed in paragraph 4 of the resolution?

The Principality of Andorra is tackling the issue of safeguarding international peace and security in two different ways. First through international cooperation. Since the Constitution was adopted on 14 March 1993, the Principality has pursued an international policy based on upholding mutual respect, coexistence and peace as stated in the preamble to the Constitution. Andorra agrees that threats to international peace and security stemming from acts of terrorism must be countered by all possible means, in accordance with the Charter of the United Nations.

The close link between international terrorism and transnational organized crime, illicit drugs, money-laundering, arms trafficking and the illegal movement of nuclear, chemical, biological and other materials poses a danger to the achievement of a world that is free and at peace.

In the first report, which it submitted to the Counter-Terrorism Committee last December, and again in this new report, Andorra lists the international Conventions relating to efforts to counter international terrorism and transnational organized

crime that are applicable in the Principality. Other areas such as the illicit transfer of nuclear, chemical and biological materials should also be mentioned.

Andorra's wish, as can be confirmed by the fact that Andorra has been free of weapons and wars for more than 700 years, is to participate jointly with other countries in the efforts to keep the world free of nuclear, chemical and biological weapons. On 29 June 1998, Andorra ratified the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction and, in June and July 1996, it ratified the Treaty on the Non-Proliferation of Nuclear Weapons. In addition, on 24 September 1996, it signed the Comprehensive Nuclear-Test-Ban Treaty and, on 9 January 2001, it entered into an agreement with the International Atomic Energy Agency for the application of safeguards within the context of the Treaty on the Non-Proliferation of Nuclear Weapons.

Recently, on 31 July 2002, the Government voted at a meeting of the Council of Ministers, to accede to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction; it hopes that the accession procedure will be completed in time for the Conference of States Parties in October 2002 or shortly thereafter.

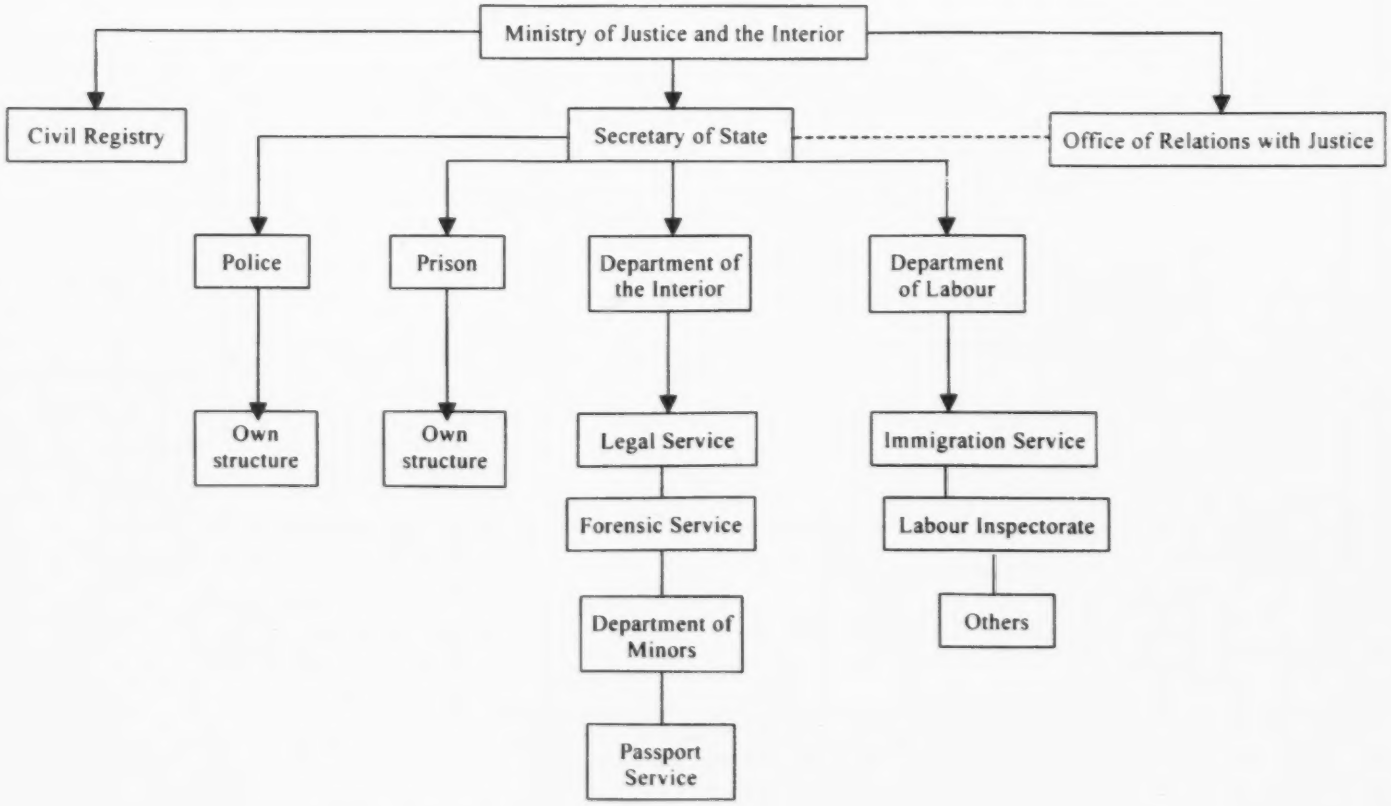
Responsibility for coordinating at the national level policies relating to efforts to counter terrorism lies with the Government. Andorra is a small country covering an area of 468 square kilometres, which is divided into seven *Parròquies* that are represented and administered by *Comuns*, public authorities having legal personality and the power to enact local regulations, which are subject to the law. Within their spheres of competence, which they exercise in accordance with the Constitution, the law and tradition, they act in accordance with the principle of free administration recognized and guaranteed by the Constitution. However, they are not responsible for matters that have to do with the police and security; these are the prerogatives of the national Government.

Other matters

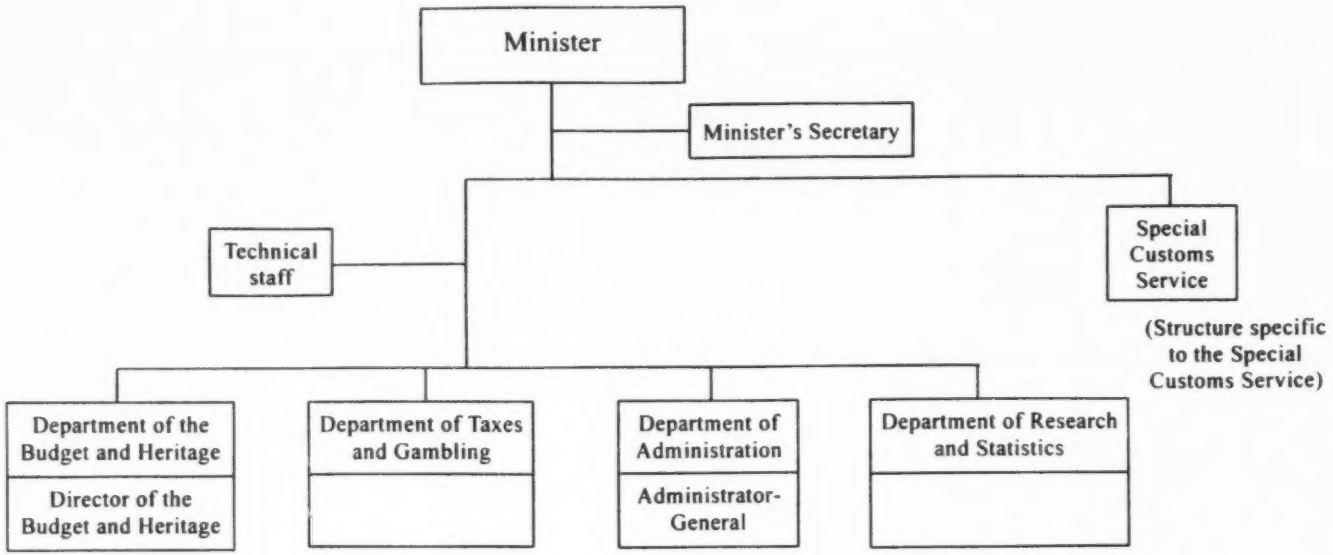
Could Andorra please provide an organizational chart of its administrative machinery, such as police, immigration control, customs, taxation and financial supervision authorities, established to give practical effect to the laws, regulations and other documents that are seen as contributing to compliance with the Resolution.

The organizational charts requested are annexed to this report. The first is the organizational chart of the Ministry of Justice and the Interior, which includes the Police, Prison and Immigration Services. The second is the organizational chart of the Ministry of Finance, which includes, inter alia, the Special Customs Service and the Department of Taxes and Gambling. Then there is the organizational chart of the Andorran National Institute of Finance, which is responsible for financial oversight. Then there is the organizational chart of the Ministry of Economic Affairs which includes the Department of Trade, the Department of Industrial Security and the Department of Transport and Energy. Lastly, the organizational chart of the Ministry of Foreign Affairs might be helpful for understanding how the Principality of Andorra conducts its international relations.

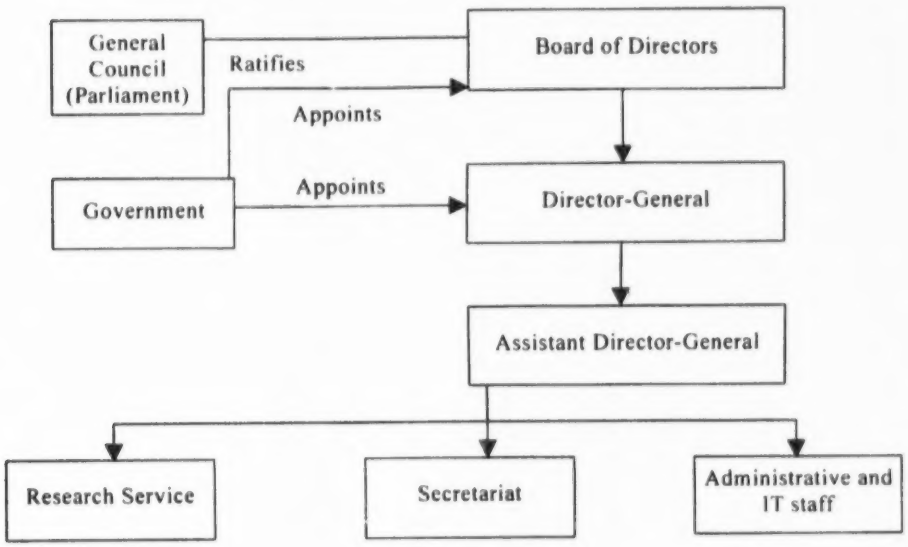
Organizational chart of the Ministry of Justice and the Interior



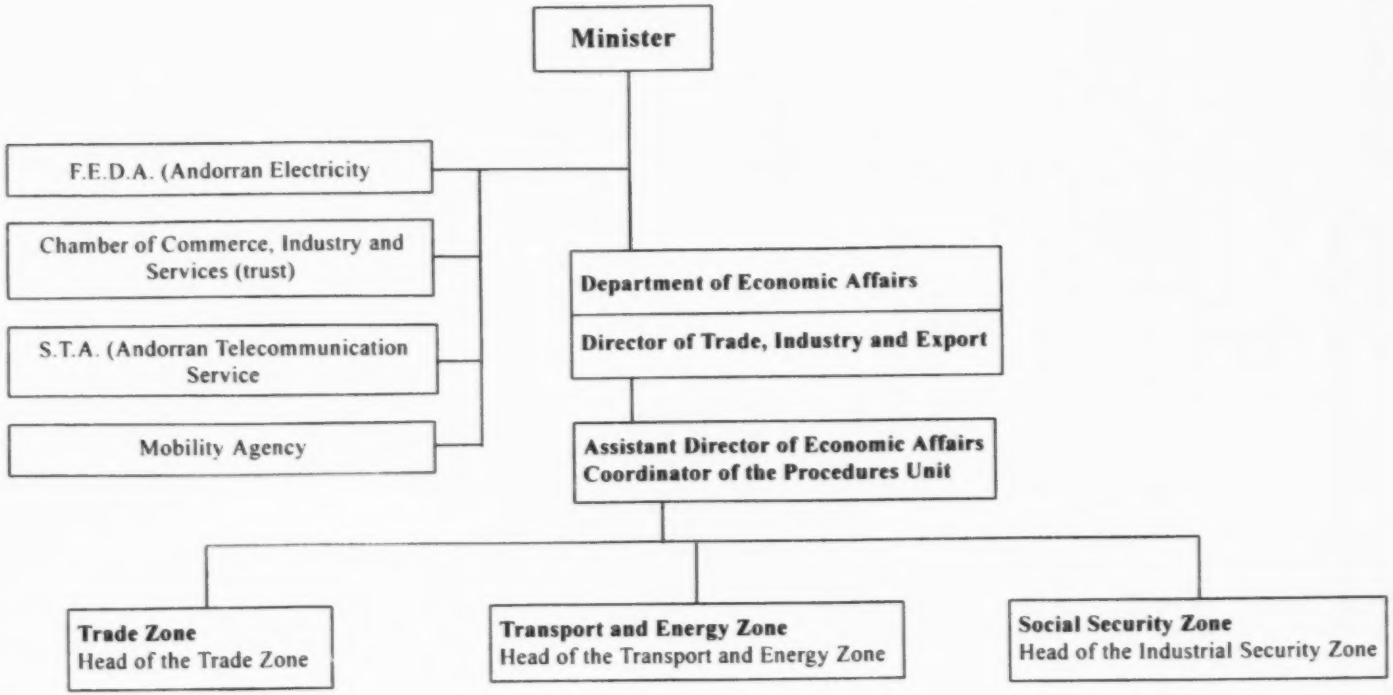
Organizational chart of the Ministry of Finance



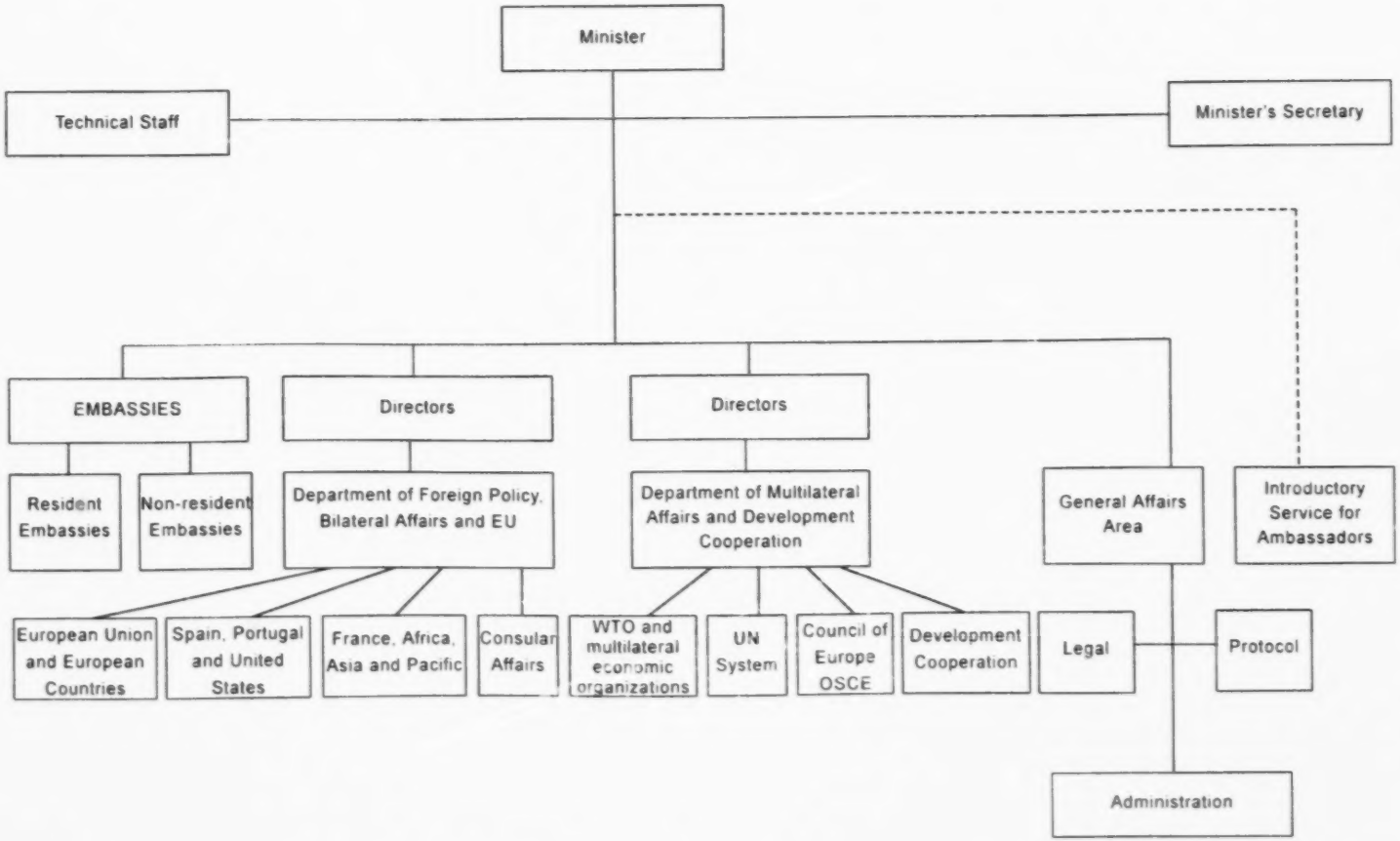
Organizational chart of the Regulatory Authority — the Andorran National Financial Institute (INAF)



Organizational chart of the Ministry of Economic Affairs


Minister
F.E.D.A. (Andorran Electricity
Chamber of Commerce, Industry and Services (trust)
S.T.A. (Andorran Telecommunication Service
Mobility Agency
Department of Economic Affairs
Director of Trade, Industry and Export
Assistant Director of Economic Affairs
Coordinator of the Procedures Unit
Trade Zone
Head of the Trade Zone
Transport and Energy Zone
Head of the Transport and Energy Zone
Social Security Zone
Head of the Industrial Security Zone

Organizational Chart of the Ministry of Foreign Affairs



United Nations S/2002/1048

Security Council

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19 September 2002

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Letter dated 18 September 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 5 June 2002 (S/2002/630).

The Counter-Terrorism Committee has received the attached supplementary report from the former Yugoslav Republic of Macedonia, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

02-60064 (E) 091002

Annex

Note verbale dated 11 September 2002 from the Permanent Mission of the former Yugoslav Republic of Macedonia to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

The Permanent Mission of the Republic of Macedonia to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism and, with reference to the Chairman's note of 28 May 2002, has the honour to transmit the supplementary report of the Republic of Macedonia on the implementation of resolution 1373 (2001) (see enclosure).

Enclosure

Report supplementary to the initial report of the Republic of Macedonia to the Counter-Terrorism Committee, submitted pursuant to resolution 1373 (2001)

On questions raised under Sub-paragraph 1 (a) and (b) of the Resolution:

The special Law against terrorism is still being drafted by the special Commission set up for that purpose. Consequently, amendments to the Criminal Code and the Law on Criminal Procedure announced in the Initial report of the Republic of Macedonia to the CTC pursuant to SC resolution 1373 (2001) are also being drafted and are yet to be put into parliamentary procedure. The same applies to the amendment of Article 17 of the Constitution. The main reason is that after the Framework Agreement had been signed in August 2001 and the related amendments to the Constitution of the Republic of Macedonia subsequently adopted, the priority was given to the adoption of new laws or amendments to the existing laws which required harmonization with the new constitutional setting pronounced by the Parliament on 16 November 2001.

Taking into account the upcoming parliamentary elections in the Republic of Macedonia in September of this year and the current recess in the work of the Parliament pending elections, it is to be expected that these laws will enter the parliamentary procedure at the earliest convenience, after the new Parliament is composed.

On the question raised under Sub-paragraph 1 (c) of the Resolution:

The Ministry of Finance - newly established Financial Police Department, as well as the Ministry of Interior, have the authority to freeze without delay funds and other financial assets or economic resources of persons or entities involved in terrorism related activities and have developed administrative procedures and practice to that end.

On questions raised under Sub-paragraph 1 (d) of the Resolution:

Pursuant to Article 24, Paragraph 1 of the Law on Prevention of Money Laundering:

"Any natural or legal person, as well as lawyers, notaries, authorized accountants and auditors, are obliged to submit reports to the Directorate against Money Laundering on the transactions suspected of having been or may be used for money laundering, as well as on funds which are suspected to originate from a criminal activity".

"Persons from Paragraph 1 of this Article are obliged to report on realized transactions in cases where it was not possible to postpone or avoid their realization and where only after the transaction was made, it was discovered that the transaction involved suspicious funds.

The duty to report without delay exists also with regard to any information which can confirm or deny suspicions."

Pursuant to Article 31, Paragraph 1 of the Law on Prevention of Money Laundering:

"Any legal person which declines to report to the Directorate on suspicious transactions will be charged for an offense with a fine in the amount of 150.000,00 denars to 300.000,00 denars."

Pursuant to Article 31, Paragraph 2 of the Law on Prevention of Money Laundering:

"Any responsible person in a legal person who declines to report to the Directorate on suspicious transactions will be charged for an offense with a fine in the amount of 40.000,00 denars to 50.000,00 denars."

In the Republic of Macedonia, there is no legislation regulating alternative money transfer agencies. A project on regulating money transfers by legal persons other than banks is currently under way.

On questions raised under Sub-paragraph 2 (a) of the Resolution:

Article 322 of the Criminal Code of the Republic of Macedonia incriminates the crime of "Service in an Enemy Army" stipulating that the crime is committed when "a national of the Republic of Macedonia, who during a war or in an armed confrontation serves in an enemy army or in other enemy armed formations, or fights in a war or armed confrontation as a combatant against the Republic of Macedonia or against its allies, will be sentenced to prison of up to three years.

Also, "anyone who recruits a national of the Republic of Macedonia to serve in an enemy army or other enemy armed formations, or to fight in a war or armed confrontation against the Republic of Macedonia or against its allies, will be sentenced to prison of up to five years..."

As it was explained already in the Initial report on the territorial scope of the criminal jurisdiction for the crime of terrorism and other related crimes, one of them being the aforementioned crime, the Criminal Code of the Republic of Macedonia is to be applied to anyone who commits any of these crimes abroad, including to those who recruit nationals of the Republic of Macedonia outside the territory of the Republic of Macedonia for the aforementioned purposes.

The cross border police cooperation and exchange of information with the countries in the region have been intensified, in particular with the neighbouring countries, as well as with the UNMIK and KFOR as far as the control of the Kosovo section of the border with FR of Yugoslavia is concerned, in accordance with the resolution 1244 (1999). In this context, the Macedonian government has approved on 3 September 2002 the Protocol on Police Cooperation with the UNMIK on the issues of the fight against crime and criminal organizations, particularly in the areas of trafficking of drugs and women, prostitution, money laundering and smuggling of weapons, including the sharing of information about criminals and criminal organizations, as well as to enhance cooperation on combating terrorism which destabilizes regional security and confidence building measures. These include sharing of information regarding organized terrorist of criminal groups, their finances and funding mechanisms, plans and activities, their structure, management and composition; their *modus operandi* and areas of operation, and their relationship with other suspected criminal or terrorist groups operating in the territory of Kosovo, SRJ, the Republic of Macedonia and in other countries. Also, information for identification of terrorist groups, provision of criminal records, provision of original or certified copies of relevant documents and records, including bank, financial, corporate or business records; notification of suspicious financial transactions; and provisions of expert reports.

In 2001 the Agreement on Police Cooperation with Bulgaria was signed. It includes the cooperation on the matters of organized crime and terrorism.

The Republic of Macedonia participated in the UNDCP/PHARE project for strengthening drug law enforcement capacities in South Eastern Europe, involving in the first stage Macedonia, Bulgaria and Romania. Under this project, technical assistance was provide to the three countries in this area. As a result, national drug intelligences units were created and over 3000 officers were trained. Since January 2002 this project was expanded to include other countries from South Eastern Europe.

On questions raised under Sub-paragraph 2 (b) of the Resolution:

For the purpose of enhancing inter-ministerial and interagency coordination, the Government of the Republic of Macedonia on its session on 25 June 2002 has decided to form, under the auspices of the Ministry of Foreign Affairs, a special coordination unit comprising of representatives from ministries of defense, finance, justice, foreign affairs, interior and intelligence agency to deal in a comprehensive manner with the terrorism related issues. This Unit, will serve as a focal point with all relevant international organizations on terrorism related activities.

The three main security structures Ministry of Interior, the Intelligence Agency and the Military Intelligence Service have regular meetings at senior officials level, exchange information and inform the highest state officials accordingly.

The Intelligence Agency cooperates with their counterparts in other countries and shares relevant information on possible terrorist activities.

On question raised under Sub-paragraph 2 (c) of the Resolution:

Although there is no special legislation in this field, according to the Law on Movement and Stay of Foreigners, the state has a discretionary right to deny safe haven to those who finance, plan, support or commit terrorist acts or provide safe haven. The new Law on Asylum and Migration, drafted according to the EU standards, will regulate this issue. The draft law is supposed to enter the parliamentary procedure after the September 15, 2002 parliamentary elections.

As far as the Resolution 1373 (2001), in particular with sub-paragraph 2 (c) of the resolution is concerned, immediately after its adoption, all the relevant authorities have been informed on the provisions and the obligations arising from the resolution, including to deny safe haven to those who finance, plan, support or commit terrorist acts, or provide safe haven.

The resolution of the last year crisis and the process of reestablishment of effective control by the state authorities and the rule of law in the territory affected by the crisis in accordance with the Framework Agreement of 13 August 2001 is of essential importance for the compliance with the provisions of the resolution 1373 (2001).

On questions raised under Sub-paragraph 2 (d) of the Resolution:

In the Criminal Law of the Republic of Macedonia, the concept of unity of crime has been applied. The application of this concept legalizes the repressive powers and jurisdiction of the national courts in cases where only action was taken, or only consequences were caused on the territory of the Republic of Macedonia. The same concept is applied to the crimes in preparation and in attempt. It is also applied to complex, multi-act crimes, which are considered to be committed in each place where some of the actions constituting the crime were taken, or where some of the consequences constituting the crime were caused.

Though it was not specifically mentioned in the Article of the Criminal Code which incriminates international terrorism, any attempt, instigation, assistance and preparation of the crime of international terrorism is incriminated and punishable, according to the general rules set forth in the Criminal Code.

On questions raised under Sub-paragraph 2 (f) of the Resolution:

The procedure for international legal assistance is regulated in the Criminal Procedure Law which stipulates (Article 502) that the procedure for international legal assistance is to be carried out in accordance with the procedure set forth in the Criminal Procedure Law, but restrictively i.e. only in cases where something else is not envisaged with an international agreement, or in cases where something different is not envisaged with a bilateral agreement with another State. In this connection, Article 506 stipulates that for the crimes of: forgery; illegal production, manufacturing and selling of drugs and poisons; trafficking in people, production and dissemination of pornographic contents; as well as for other crimes for which according to the international agreements centralization of data is envisaged, the Court which has respective authority to conduct the criminal procedure has a duty without a delay to submit to the Ministry of Interior all relevant data with regard to the crime, the perpetrator, and the verdict in force. The latter is also applicable and in compliance with the obligations deriving from membership in INTERPOL, as well as the United Nations and its instruments.

The legal timeframe within which a request for judicial assistance in criminal investigation for criminal proceedings relating to the financing or support of terrorist acts is set as stipulated in the European Convention on Mutual Assistance in Criminal Matters to which Macedonia is a party.

In this connection, as indicated in the Initial report to the CTC, the Republic of Macedonia ratified the Convention on the Transfer of Convicted Persons and the First Additional Protocol to the Convention; European Convention on Extradition and the Additional Protocol to the Convention; European Convention on Mutual Legal Assistance in Criminal Matters and the Additional Protocol to the Convention. These international legal instruments, as of the date of ratification, became integral part of its legal system.

On questions raised under Sub-paragraph 2 (g) of the Resolution:

Effective border control is one of priorities for Macedonia. Furthermore it is essential for our future relations with the EU, specifically in the context of the Stabilization and Association Agreement. There is a number of projects including those within the Stability Pact for South-East Europe (III Working Table - Justice and Home Affairs), South Eastern Europe Cooperation Initiative. The latest project is developed with the IOM/EU and is aimed at integrated border management. This means introduction of new technologies, computerization and networking of data, including on forged IDs, on the border crossing checkpoints, as well as those related to the movement of terrorist groups.

The border control is to be further strengthened with the formation of police border brigade. This project was developed in cooperation with the German border police, in accordance with the EU standards, and has been submitted to the EC for funding.

On questions raised under Sub-paragraph 3 (a) and (b) of the Resolution:

As indicated in the initial Report to the Committee, the Ministry of Defense and the Army of the Republic of Macedonia, have established regular exchange of information with NATO (KFOR) structures through a coordination cell.

Also see under 2 (b).

On questions raised under Sub-paragraph 3 (c) of the Resolution:

The extradition procedure for indicted and convicted persons is set forth in Criminal Procedure Law (Article 509) which stipulates that extradition of indicted and convicted persons will be initiated and carried out according to the procedure set forth in the Criminal Procedure Law, but only in cases where something else is not envisaged with an international agreement. In other words, the procedural means and guarantees that are subject to proposals, deliberations and decisions in the extradition procedure are to be applied restrictively, only to cases which are not regulated differently with an international agreement for extradition, and in cases where there is no bilateral agreement on extradition between the Republic of Macedonia and another State which seeks extradition.

In this context, it must be underlined that the domestic legislation is not yet fully harmonized with the international instruments in this field, which is to be done with the proposed amendments to the Criminal Procedure Law.

The Republic of Macedonia became a party to the European Convention on Extradition on 26 October 1999.

As to the bilateral agreements on extradition in effect, the Republic of Macedonia has concluded such agreements with the Republic of Albania, the Republic of Bulgaria, and the Republic of Slovenia. With the Republic of Turkey, the extradition procedure is regulated with the Agreement on Legal Assistance in Civil and Criminal Matters.

In this context, it is worth clarifying that according to the Constitutional law on the application of the Constitution of the Republic of Macedonia, the Republic of Macedonia, as a state successor to the former SFR of Yugoslavia along with the other four States successors, took over, by succession, federal laws of the former State which regulated issues of international legal assistance in criminal matters, including the extradition procedures. By virtue of succession, the Republic of Macedonia took over the bilateral agreements of the former SFRY with the following states: Algeria, Belgium, Greece, Italy, Hungary, Mongolia, Germany, Poland, Romania, Russian Federation and Spain.

The cases where the extradition is not allowed are regulated differently in each of the bilateral agreements to which the Republic of Macedonia is a party. In some of the bilateral agreements in place, and only by exemption, the extradition is not allowed for the political and military crimes. These limitations, however, have nothing to do with the crime of terrorism, which is not considered to be a political crime.

On questions raised under Sub-paragraph 3 (d) of the Resolution:

There has been no changes to the status reported in the initial report.

On questions raised under Sub-paragraph 3 (e) of the Resolution:

Please see the explanation provided to the questions raised under Sub-paragraph 2 (c).

On questions raised under Sub-paragraph 4 of the Resolution:

On many occasions and in various international forums, including within the United Nations, the officials, representatives and delegates of the Republic of Macedonia have repeatedly pointed out, primarily based on the bitter experience of the country during the last year's events and security crisis it underwent, to the close inter-linkages between international terrorism and transnational organized crime, illicit drugs, money-laundering, illegal arms-trafficking etc., especially in the region of the South-eastern Europe which represents serious threat to the regional and international peace and security.

On the 56th session of the General Assembly of the United Nations, the delegation of the Republic of Macedonia has proposed and the GA adopted the resolution A/RES/56/18 which addresses those interconnections and urges states in the region to closely cooperate and to take effective measures, especially against illegal arms-trafficking, illicit trade in people, organized crime, drug trafficking and money-laundering which will help prevent and suppress the acts of terrorism in the region.

The aim of various projects in which the Republic of Macedonia participates within the UNDCP, SECI, CARDS etc. is to address comprehensively the issues raised under para. (c).

On questions raised under "Other matters":

No specific organizational chart is currently available.